

[8th December 1954]

APPENDIX.

[Vide item V on page 441 supra.]

REPORT OF THE SELECT COMMITTEE ON THE RULES OF PROCEDURE OF THE MADRAS LEGISLATIVE ASSEMBLY APPOINTED IN THE YEAR 1953.

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Committee appointed to make suggestion for the amendment of the Madras Assembly Rules has the honour to make the following report.

2. The Rules of Procedure which at present govern the conduct of business in the Legislative Assembly are those that were in force immediately before the commencement of the Constitution of India with such modifications and adaptations as have been made therein by the Speaker under clause (2) of Article 208 of the Constitution.

3. Under clause (1) of that Article, a House of the Legislature of the State may make rules for regulating, subject to the provisions of the Constitution, its procedure and the conduct of its business.

4. For the purpose of formulating the necessary rules for regulating such procedure and conduct, a Committee consisting of eighteen members was constituted by a motion made in the Assembly on the 31st July 1952. Before it could make any report, there occurred a change in the composition of the Madras Legislative Assembly consequent on the formation of the Andhra State with effect from the 1st October 1953, and a new Committee of fifteen members was constituted by a motion made in the Assembly on the 24th December 1953 in lieu of the one constituted in 1952.

5. The Committee met in the Chambers of the Honourable the Speaker on the 11th and 21st March and 4th and 5th August 1954.

6. The Committee took up, as the basis of their discussion, the existing Madras Assembly Rules, and the main line on which it has amended them is to bring them into greater conformity with the Rules of the Lok Sabha than before. In particular, it has made provision for the formation of the following Committees which exist in the Lok Sabha and not here :—

- (1) A Committee on Estimates;
- (2) A Business Advisory Committee;
- (3) A Committee on Subordinate Legislation; and
- (4) A Committee on Government Assurances.

7. The more important of the other changes made are noted below :—

Rule 5.

A specific rule has been added to the effect that when the Houses of the Legislature are assembled together or when the members of the Assembly alone have assembled under Article 175 or Article 176

8th December 1954]

of the Constitution, no member shall obstruct or interrupt the Address either before or after the Address or during its duration, with any speech or point of order or in any other manner and such obstruction or interruption shall be regarded as a gross breach of order of the House and shall be dealt with by the Speaker as such at the next sitting of the Assembly.

Rule 9.

At present, on the prorogation of a session, all pending notices and business lapse, except Bills which have been introduced. The Committee considered that no business should be allowed to lapse on prorogation. The rule has accordingly been amended to the effect that on the prorogation of a session all pending notices and business shall be carried over to the next session and a sub-rule has been added that prorogation shall not affect the work of a Committee of the House or a Joint Select Committee.

Rule 24.

This rule has been re-drafted so as to provide that in a case where a Thursday has been taken over for the transaction of Government business under this rule, the Speaker may allot in lieu thereof any other day in the same or next week for the business of non-official members.

Rule 26.

The present rule is not clear as to whether the non-official business appointed for any day, and not disposed of on that day should be included in the next ballot or be carried over. The rule has been amended so as to make it clear that all non-official business appointed for any day and not disposed of on that day shall stand over until the next day of a continuous meeting available for business of the class to which it belongs, and shall be included in any ballot held for any other day of a subsequent meeting and, if selected, set down in the list of business for such other day according to the priority gained at the ballot held with reference to that day.

New rule after rule 40.

Following the rules in the Lok Sabha, a new provision has been made providing for members to call the attention of a Minister to any matter of urgent public importance and for such Minister to make a brief statement thereon and also enabling a Minister to make a statement himself on such a matter with the consent of the Speaker.

New rule after rule 49.

A new provision has been introduced in the rules which enables a member to raise a discussion for not more than an hour on an important matter of administration.

New rule after rule 51.

Rule 52 provides for the conduct of members while speaking. A new rule has been introduced providing the rules to be observed by members while present at a sitting of the House and *not speaking*.

[8th December 1954]

Rule 78.

In the absence of a specific provision the time and labour spent at present on the consideration of a Bill is wasted in case the mover is unable to be present in the House owing to serious illness or any other cause and thus prevented from carrying the Bill through its further stages. A proviso has been added enabling any other member authorized in writing by such member to carry the Bill through its further stages.

New rule after rule 85.

Following the rules in the Lok Sabha, an addition has been made that a Select Committee may appoint a Sub-Committee to examine any special point or points connected with the Bill.

New rule after rule 116.

New provisions have also been inserted insisting on a Financial Memorandum in the case of Bills involving expenditure and a Memorandum explaining the legislative power delegated in the case of Bills involving proposals for the delegation of legislative power.

Rule 119.

At present every resolution has to be in the form of a specific recommendation addressed to the Government. There is a specific rule in the Lok Sabha that a resolution may be in the form of a declaration of opinion by Parliament. The rule has been amended so as to include within its scope resolutions in the form of declaration of opinion by the House or a motion for the appointment of a Committee of the House.

Rule 120.

The rule has been amended so as to enable the Speaker to determine the order of precedence in the list of business of short-notice resolutions.

8. Several other changes have also been made and it may be said that all of them are intended to extend the rights of members and make their control over executive administration more effective.

9. The rules as revised by the Committee are annexed.

J. SIVASHANMUGAM PILLAI,
Chairman.

GOVERNMENT ESTATE, MOUNT ROAD,
MADRAS, 5th August 1954.

8th December 1954]

THE MADRAS ASSEMBLY RULES.

CHAPTER I.

SHORT TITLE AND DEFINITIONS.

1. These rules may be called the Madras Assembly Rules. **Short title.**

2. In these rules—

Definitions.

(a) " Assembly " means the Madras Legislative Assembly.

(b) " Constitution " means the Constitution of India.

(c) " Council " means the Madras Legislative Council.

(d) " Finance Minister " means the Minister in charge of Finance or any other Minister to whom he may delegate his functions for the purpose of these rules.

(e) " Gazette " means the *Fort St. George Gazette*.

(f) " Leader of the House " means the Minister appointed by the Government as the Leader of the Assembly.

(g) " Member " means member of the Assembly.

(h) " Member in charge of a Bill " means :

(i) in the case of a Government Bill, the Minister introducing the Bill on behalf of the Government;

(ii) in any other case, the Member who has introduced the Bill; or

(iii) where the Bill is one which was introduced in the Council and received in the Assembly, the Member who has given notice of his intention to move that the Bill be taken into consideration.

(i) " Minister " includes any Deputy Minister or Parliamentary Secretary to whom a Minister may delegate his functions.

(j) " Rules " means the Madras Assembly Rules.

(k) " Secretary " means Secretary to the Assembly and includes any gazetted officer of the Assembly authorized by him with the consent of the Speaker to perform the duties of the Secretary.

(l) " Select Committee " shall unless otherwise defined in these rules or unless repugnant to the context, include a Joint Select Committee of both the Assembly and the Council.

(m) Words and expressions used in the Constitution and not defined in these rules shall have the meanings assigned to them in the Constitution.

CHAPTER II.

SUMMONING OF THE ASSEMBLY.

3. The Secretary shall intimate to each member the date and place appointed for a meeting of the Assembly. **Summoning of Assembly**

[8th December 1954]

Governor's Address.

4. At the first sitting of the Assembly, after the Governor has addressed both the Houses of the Legislature under Article 176 of the Constitution, a copy of the Governor's Address shall be placed on the table of the House.

Discussion on the Address.

5. (1) The Speaker shall, in consultation with the Leader of the House, allot the time necessary for the discussion of the matters referred to in the Governor's Address.

(2) Such discussion may take place on a Motion of Thanks moved by a member and seconded by another member.

(3) Amendments may be moved to such motion in such form as may be allowed by the Speaker.

Governor's reply.

6. The Speaker shall report to the Assembly the Governor's reply, if any, to the Motion of Thanks.

Rules of debate on Governor's Address.

7. The rules of debate relating to Government motions shall apply *mutatis mutandis* to the debate on the Governor's Address.

Observance of order during Governor's Address.

8. When the Houses of the Legislature are assembled together under Article 175 or 176 or when the members of the Assembly alone have assembled, under Article 175 of the Constitution, no member shall obstruct or interrupt the Address either before or after the Address or during its duration, with any speech or point of order or in any other manner; and such obstruction or interruption shall be regarded as a gross breach of order of the House and shall be dealt with by the Speaker as such at the next sitting of the Assembly.

PROROGATION OF ASSEMBLY.**Prorogation of Assembly.**

9. (a) A session of the Assembly is terminated by prorogation.

(b) On the prorogation of a session, all pending notices and business shall be carried over to the next session.

(c) Prorogation shall not affect the work of any Committee or Select Committee under these rules or of any Joint Select Committee.

CHAPTER III.**LEAVE OF ABSENCE TO MEMBERS AND VACATION OF SEATS.****Attendance list.**

10. The Secretary shall keep a list showing the attendance of each member and such list shall be made available to members for inspection.

Leave of absence.

11. (1) Leave of absence from the sittings of the House may be granted by the House to a member on a motion made by him or any other member in his behalf, stating the period of absence, and such motion shall be voted upon without amendment or debate.

8th December 1954]

(2) If without such leave a member is absent from all meetings of the Assembly for sixty days computed in accordance with clause (4) of Article 190 of the Constitution, any member of the House may move that his seat be declared vacant, and such motion shall be voted upon without amendment or debate.

CHAPTER IV.

ELECTION OF SPEAKER AND DEPUTY SPEAKER.

12. (1) When, owing to the existence of any vacancy in the office of Speaker, the election of a Speaker is necessary, the Governor shall fix as early a date as possible for the holding of the election and the Secretary shall send to every member notice of the date so fixed. Election of Speaker.

(2) At any time before noon on the day preceding the date so fixed any member may nominate another member for election. The nomination paper shall contain the name of the member nominated, shall be signed by the proposer and seconder and also contain a declaration by the nominees that he is willing to serve as Speaker, if elected. It shall be delivered to the Secretary in person either by the proposer or the seconder or the candidate nominated.

(3) The election shall take place at a meeting of the Assembly.

(4) On the date fixed for election, the person presiding at the meeting shall read out to the Assembly the names of members who have been duly nominated together with those of their proposers and seconders, and, if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Assembly shall proceed to elect a Speaker by ballot.

(5) For the purpose of sub-rule (4), a member shall not be deemed to have been duly nominated or be entitled to vote if he or his proposer or seconder has not, before the reading out of the names by the person presiding, made the oath or affirmation as a member of the Assembly.

(6) Where more than two candidates have been nominated, and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

(7) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be

[8th December 1954]

excluded from the election under sub-rule (6) the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded shall be by the drawing of lots.

**Election of
Deputy
Speaker.**

13. (1) When owing to the existence of any vacancy in the office of a Deputy Speaker the election of a Deputy Speaker is necessary the Governor, when there is no Speaker, or the Speaker, when there is a Speaker, shall fix as early a date as possible, for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed any member may nominate another member for election. The nomination paper shall contain the name of the member nominated, shall be signed by the proposer and seconder and also contain a declaration by the nominee that he is willing to serve as Deputy Speaker if elected. It shall be delivered to the Secretary in person either by the proposer or the seconder or the candidate nominated.

(3) The election shall take place at a meeting of the Assembly.

(4) On the date fixed for election, the person presiding shall read out to the Assembly the names of the persons who have been duly proposed together with the names of their proposers and seconders, and if only one member has been so proposed for election, shall declare that person duly elected. If more than one person has been so proposed, the Assembly shall proceed to elect a Deputy Speaker by ballot.

(5) For the purpose of sub-rule (4), a member shall not be deemed to have been duly proposed or be entitled to vote if he or his proposer or seconder has not, before the reading out of the names by the person presiding, made the oath or affirmation, as a member of the Assembly.

(6) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

(7) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (6) the determination, as between the candidates whose votes are equal, of the candidate who has to be excluded shall be by the drawing of lots.

8th December 1954]

TEMPORARY CHAIRMEN.

14. (1) At the commencement of every session, the **Panel of Chairmen.** Speaker shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the Speaker and the Deputy Speaker when so requested by the Speaker or, in his absence, by the Deputy Speaker, in his absence also, by the Chairman presiding.

(2) The Chairmen nominated under sub-rule (1) shall hold office until a new panel of Chairmen is nominated.

15. The Deputy Speaker or Chairman, when presiding over the Assembly, shall have the same powers as the Speaker when so presiding and all references to the Speaker in the rules shall, in these circumstances, be deemed to be references to the person presiding. **Powers of person presiding.**

CHAPTER V.

SITTINGS OF THE ASSEMBLY AND ARRANGEMENT OF BUSINESS.

16. The Speaker or person presiding shall have power to adjourn the Assembly from time to time within a session. **Adjournment of meetings.**

17. When the Assembly has been adjourned to a particular date, the Speaker may summon the Assembly for an earlier or later date. **Change in the date of meeting.**

18. The presence of at least one-tenth of the total number of members inclusive of the Speaker or person presiding shall be necessary to constitute a meeting of the Assembly for the exercise of its powers. **Quorum.**

19. If at any time it is brought to the notice of the Chair that a quorum is not present, the division bells shall be rung and if, after an interval of not less than fifteen minutes a quorum is still not present, the person presiding shall adjourn the House to the next day on which the Assembly ordinarily sits or to a later hour on the same date to be named by him. **Adjournment for want of quorum.**

20. Sittings of the Assembly shall, unless the Speaker otherwise directs, ordinarily commence at 11 a.m. and conclude at 5 p.m. **Ordinary hours of sitting.**

21. (1) A list of business for each day shall be prepared by the Secretary and circulated to all members. **List of business.**

(2) Except as provided in these rules, no business not included in the list of business for the day shall be transacted at any sitting except business of a formal or ceremonial nature.

(3) The order of business as arranged in the list shall not be revised except on a motion accepted by the House.

(4) Except as provided in these rules, no business requiring notice shall be set down in the list of business for a day earlier than the period of the necessary notice.

[8th December 1954]

(5) A paper shall be deemed to have been placed on the table of the Assembly or laid before the Assembly on the date on which a note to that effect is entered in the list of business for the day or is found in the proceedings of the Assembly. Copies of all such papers shall be made available to members.

Time for questions.

22. The first hour of every sitting shall, unless the House unanimously resolves otherwise, be available for the asking and answering of questions.

Allotment of time for non-official business and precedence of business.

23. (1) On all Thursdays on which the Assembly is sitting, except—

(i) Thursdays allotted for the discussion of financial matters under Articles 202 to 206 of the Constitution, and

(ii) Thursdays allotted for the discussion of any motion on the Governor's Address, the business of non-official members shall have precedence :

Provided that, on a motion made by a Minister for the suspension of this rule, the Assembly may resolve to give precedence to Government business even on those Thursdays on which the business of non-official members has precedence under this rule :

Provided further that where a Thursday has been taken over for the transaction of Government business under the abovementioned proviso, the Speaker may allot in lieu thereof any other day in the same or next week for the business of non-official members.

(2) On other days, no business other than Government business shall be transacted, except with the consent of the Leader of the House.

Arrangement of Government business.

24. The arrangement of Government business shall be in the order determined by the Leader of the House.

Arrangement of non-official business.

25. (1) The arrangement of the business of non-official members shall be in the following order, namely :—

(i) Bills returned by the Governor with a message under Article 200 of the Constitution;

(ii) Bills which have been passed by the Assembly and returned by the Council with amendments;

(iii) Bills which have been passed by the Council and transmitted to the Assembly;

(iv) Bills in respect of which a motion has been carried that the Bill be taken into consideration;

(v) Bills in respect of which the Report of a Joint Select Committee or a Select Committee has been presented;

(vi) Bills which have been circulated for the purpose of eliciting opinion;

8th December 1954]

(vii) Bills introduced and in respect of which no further motion has been made or carried;

(viii) Bills in respect of which the motion is that leave be granted to introduce the Bill; and

(ix) Resolutions.

(2) As among Bills falling under the same class, precedence shall be determined according to the priority of their introduction in the Assembly.

(3) The relative precedence of Bills to be introduced shall be determined by ballot.

(4) The relative precedence of resolutions shall likewise be determined by ballot.

(5) A separate ballot shall be held—

(a) for motions for leave to introduce Bills; and

(b) for resolutions.

(6) The ballot shall be for the names of the members who have given notices of motions for leave to introduce Bills or of resolutions which are eligible for discussion at the meeting in respect of which the ballot is held.

(7) No member can ballot for more than one Bill and one resolution. The Bill or the resolution to be entered against the name of a member shall be in accordance with the preference indicated by him, and in the absence of such indication, in accordance with the order of priority of the receipt of notice.

(8) The ballot shall be held at such time and as often as may be determined by the Speaker.

(9) All non-official business appointed for any day and not disposed of on that day shall stand over until the next day of a continuous meeting available for business of the class to which it belongs, and shall be included in any ballot held for any other day of a subsequent meeting, and, if selected, set down in the list of business for such other day according to the priority gained at the ballot held with reference to that day :

Provided that any motion which is under the actual consideration of the Assembly at the time of an adjournment shall be placed in the list of business for the next day available for non-official business of the same class and shall be placed as the first item in that class of business according to the precedence given to that class by this rule.

(10) Whenever any difficulty arises in applying this rule, it shall be referred to the Speaker for decision.

[8th December 1954]

Notice to
Assembly.

26. (1) Except as otherwise provided, every notice required by these rules shall be given in writing addressed to the Secretary and shall be left at the office of the Assembly which shall be open for this purpose between the hours of 11 a.m. and 3 p.m. on every day except Sunday or other public holidays.

(2) Such notice may be left at the office even when the Assembly is not in session or by a member even before he is sworn in.

(3) A notice left on a holiday or after 3 p.m. on a working day shall be treated as notice given on the next working day.

(4) Every notice or communication by a member to the Secretary shall be written legibly on good paper and signed by him, and shall contain the name of the member. Otherwise, it shall be liable to be rejected.

Notices and
communica-
tions to
members.

27. Unless otherwise requested by a member in writing, every notice or other communication issued to him by the Assembly office shall—

(a) on meeting days and on two days before the commencement of a meeting, be sent to his address at the place of meeting of the Assembly, and

(b) on other days be sent to his permanent address, as registered in the Assembly office :

Provided that on meeting days, such notice or other communication may be placed on the seats allotted to the members in the Assembly Chamber or distributed to them in the House.

CHAPTER VI.

QUESTIONS.

Subject-
matter of
questions.

28. A question may be asked for the purpose of eliciting information on a matter of public importance within the special cognizance of the Minister to whom it is addressed.

Starred
questions.

29. Any member who desires an oral answer to his question may, at the time of giving notice in respect of it, distinguish it by an asterisk. Such a question is called a starred question.

Matters to
which
questions
must relate.

30. A question must relate to public affairs with which the Minister to whom it is addressed is officially connected or to a matter of administration for which he is officially responsible.

Form and
contents of
questions.

31. In order that a question may be admissible, it must satisfy the following conditions, namely :—

(1) it must be permissible under the Constitution and the rules;

8th December 1954]

(2) it must not publish any name or statement not strictly necessary to make the question intelligible;

(3) if a question contains a statement, the member asking it must make himself responsible for the accuracy of the statement;

(4) it must not contain extracts from newspapers;

(5) it must not contain arguments, inferences, ironical expressions or defamatory statements;

(6) it must not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;

(7) it must not refer to the character or conduct of any person except in his official or public capacity;

(8) it must not relate to a private or purely parochial grievance;

(9) it must not relate to any matter which is under adjudication by any court of law or to the conduct of a Judge of the Supreme Court or of a High Court in his judicial capacity;

(10) it must not be of excessive length;

(11) a question once fully answered in the Assembly must not be asked again;

(12) it must not anticipate a question of which notice has already been given;

(13) it shall not raise a question of policy too large to be dealt with within the limits of an answer to a question; and

(14) it shall not seek information about matters relating to the proceedings of the Council of Ministers.

32. (1) The Speaker shall decide on the admissibility of a question and shall disallow any question when, in his opinion, it is an abuse of the right of questioning or is in contravention of the rules. Speaker to decide admissibility of questions

(2) Where the form or the subject-matter of a question is, in the opinion of the Speaker, in contravention of the rules, he may amend the question to secure its compliance with the rules and inform the member concerned accordingly.

33. Questions which have not been disallowed shall be entered in the list of questions for a day not earlier than seven clear days from the date on which notice thereof was received by the Secretary : List of questions.

Provided that the Speaker may, with the consent of the Minister concerned, order a question to be entered in the list of questions with shorter notice than seven days; and

[8th December 1954]

Provided also that in case the answer to a question cannot be sent to the Secretary before the sitting of the Assembly immediately following the period of seven days' notice, the Speaker may extend the time for answering the question.

Order of
calling
starred
questions.

34. (1) Starred questions entered in the list of questions for a day shall be called, if the time made available for questions permits, in the order in which they stand in the list.

(2) If on a question being called, a member in whose name it stands is absent, the Speaker at the request of any member may direct that the answer to it be given.

(3) When all the questions for which an oral answer is desired have been called, the Speaker may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands, and may permit the member, if present, to ask the question.

(4) All starred questions which are not called and all unstarred questions, with their answers shall be included in the printed proceedings of the Assembly.

Questions
requiring
long state-
ments or
statistics.

35. Questions requiring long statements or statistics shall not be starred, and the Speaker may direct that lengthy answers or statistics given in answer to a starred question shall be laid on the table and printed in the official report of the proceedings of the Assembly instead of being given orally.

Questions
how put.

36. Subject to the rules, questions shall be put and answers given in such manner as the Speaker may, in his discretion, determine.

Supplemen-
tary
questions
and their
admission.

37. (1) Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given to a starred question.

(2) The Speaker may disallow any supplementary question, if, in his opinion, it infringes the rules regarding questions or if a sufficient or reasonable number of supplementary questions has already been put in respect of the same question.

Minister may
decline to
answer
question or
supplemen-
tary question
without
notice.

38. A Minister to whom a question or supplementary question is put may decline to answer it on the ground that to answer it would be against public interest and a Minister to whom a supplementary question is put may decline to answer it without notice.

Restriction
on discus-
sion.

39. No discussion shall be permitted at question-time in respect of a question or of any answer given to a question :

Provided that on notice given to the Speaker at question-time, the Speaker may, in his discretion, allow half an hour

8th December 1954]

after the conclusion of the business of the day, to enable a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day. No vote shall be taken on such debate and such time shall not be available for the transaction of any other business.

CHAPTER VII.

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE.

40. (1) A member may, after questions, and with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may then make a brief statement on the matter or ask for time to make a statement later.

Calling attention to matters of urgent public importance.

(2) There shall be no debate on such statement at the time it is made.

(3) Not more than one matter shall be raised under this rule at the same sitting.

(4) In the event of more than one matter being presented for the same day, priority shall be given to the matter which in the opinion of the Speaker, is more urgent and important.

(5) The proposed matter shall be raised only after questions and before the list of business is entered upon and at no other time during the sitting of the House.

CHAPTER VIII.

MOTION FOR ADJOURNMENT ON A MATTER OF PUBLIC IMPORTANCE.

41. A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made in accordance with the rules in this Chapter.

Motion for adjournment.

42. A member desirous of moving a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance shall, before the commencement of the sitting of the Assembly at which he proposes to ask for leave of the House to make his motion, hand to the Speaker a statement in writing of the matter proposed to be discussed, and obtain his consent to his asking for leave to make the motion.

Speaker's consent to asking for leave.

43. If the Speaker gives consent under rule 42, the member may, after questions and before the list of business for the day is entered upon, ask leave of the House to make the motion.

Time of asking for leave.

[8th December 1954]

Speaker to decide admissibility of the motion.

44. The Speaker shall then read the statement referred to in rule 42 to the House and decide whether the matter proposed to be discussed is or is not in order.

Speaker's discretion to state reasons for ruling out motions.

45. If the Speaker holds that the motion is not in order, he may, in his discretion, state the reasons for his opinion.

Mode of asking for leave of the House.

46. If the Speaker is of opinion that the matter proposed to be discussed is in order, he shall ask whether the member has the leave of the House. If objection is taken by any member, the Speaker shall request those members who support the motion to rise in their places. If twenty-four or more members rise accordingly, the Speaker shall intimate that the member has the leave of the House. If less than twenty-four members rise, the Speaker shall inform the member that he has not the leave of the House.

Time for taking up the motion.

47. If leave of the House has been given for making the motion, the Speaker shall intimate to the House that the motion will be taken up the same day or, at the request of the Leader of the House on the next day, at 4 p.m. or at the conclusion of the business of the day if earlier.

Repetition of motions.

48. A motion which fails to obtain the requisite support shall not, during the same session, be brought up again under rule 41.

Restrictions on right to make motions.

49. The right to move the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, viz. :—

(i) Not more than one such motion shall be discussed at the same sitting.

(ii) Not more than one matter can be discussed on the same motion.

(iii) The motion must be restricted to a specific matter of recent occurrence.

(iv) The motion must not revive discussion on a matter which has been discussed on an adjournment or otherwise in the same session.

(v) The motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given, regard being had to the probability of the matter anticipated being brought before the House within a reasonable time.

(vi) The motion shall not raise a question of privilege.

(vii) The motion shall not raise any question which under the Constitution or the rules, can only be raised on a distinct motion after giving notice.

8th December 1954]

(viii) The matter to be discussed must involve more than the ordinary administration of the law.

(ix) The motion must not refer to grievances which can only be remedied by legislation.

(x) The motion must refer to a matter in which the responsibility of the Government is clearly involved.

50. The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at the end of two hours after the commencement of the debate, and thereafter no question can be put. Termination of debate on the motion.

CHAPTER IX.

RESOLUTION FOR THE REMOVAL OF THE SPEAKER OR DEPUTY SPEAKER.

51. A resolution for the removal of the Speaker or the Deputy Speaker of the Assembly from his office may be moved with the leave of the House : Resolution for removal of Speaker.

Provided that no resolution for the purpose shall be moved unless at least fourteen days' notice has been given to the Secretary of the intention to move the resolution.

52. On receipt of notice of such a resolution, the Speaker shall, in consultation with the Leader of the House, appoint a date for its discussion. The Secretary shall cause the resolution to be circulated to all the members of the Assembly, together with an intimation about the date appointed for its discussion. Time for discussion.

53. On the date appointed under Rule 52, the person presiding over the Assembly shall read the resolution to the Assembly and request the members who are in favour of leave being granted to move the resolution to rise in their places. If not less than thirty members rise, the person presiding over the Assembly shall allow the resolution to be moved. If less than thirty members rise, he shall inform the member giving notice of the resolution that he has not the leave of the Assembly to move it. Leave of the House.

CHAPTER X.

MOTION EXPRESSING WANT OF CONFIDENCE IN THE MINISTRY AND EXPLANATION BY A MINISTER WHO HAS RESIGNED.

54. (1) A motion expressing want of confidence in the Ministry or a motion disapproving the policy of the Ministry in a particular respect may be made with the consent of the Speaker and subject to the following restrictions, namely :— Motion expressing want of confidence in the Ministry.

(a) leave to make the motion must be asked for after questions and before the list of business for the day is entered upon ;

[8th December 1954]

(b) the member asking for leave must, before the commencement of the sitting of the day, leave with the Secretary a written notice of the motion which he proposes to make.

(2) If the Speaker is of opinion that the motion is in order, he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places and if not less than twenty-five members rise accordingly, the Speaker shall intimate that leave is granted and that the motion will be taken on such day, not being more than ten days from the day on which leave is asked for, as he may appoint. If less than twenty-five members rise, the Speaker shall inform the member that he has not the leave of the House.

Explanation
by a member
who has
resigned the
office of
Minister.

55. (1) A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation.

(2) Such statement shall be made after questions and before the list of business for the day is entered upon.

(3) There shall be no debate on such statement, but after it has been made, a Minister may make a statement pertinent thereto.

CHAPTER XI.

DISCUSSION FOR SHORT DURATION ON URGENT MATTERS OF ADMINISTRATION.

Notice of
raising
discussion.

56. (1) Any member desirous of raising a discussion on an urgent matter of administration may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised.

(2) The notice shall be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question.

Speaker to
decide
admissi-
bility.

57. If the Speaker is satisfied that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and in consultation with the Leader of the House fix the date on which such matter may be taken up for discussion and allow such time for discussion not exceeding one hour.

Conditions
of admis-
sibility.

58. In order that a matter may be admissible under this rule for discussion, it shall satisfy the following conditions, namely, that—

- (i) it shall raise substantially one definite issue;
- (ii) it shall be restricted to a matter of recent occurrence;
- (iii) it shall not raise a question of privilege;
- (iv) it shall not revive discussion of a matter which has been discussed in the same session;

8th December 1954]

(v) it shall not anticipate discussion of a matter which is likely to be discussed in the same session ;

(vi) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India.

59. The Speaker may, if he thinks fit, prescribe a time-limit for the speeches. **Time-limit for speeches.**

CHAPTER XII.

GENERAL RULES OF PROCEDURE.

60. The business of the Assembly shall be transacted in English provided that any member may address the Assembly in any recognized language of the State or in Hindi, and provided further that the speaker may permit any member who cannot adequately express himself in any of the aforesaid languages to address the Assembly in his mother-tongue. **Language of the Assembly.**

Explanation.—For purposes of this rule, 'recognized language' shall mean any one of the following languages, namely, Tamil, Telugu, Malayalam, Kannada or Hindustani.

61. The members shall sit in such order as the Speaker may fix. **Members' places.**

62. A member present at a sitting of the House, and not speaking, **Rules to be observed by members while present in the House.**

(i) shall not read any newspaper except in connexion with the business of the House,

(ii) shall maintain silence,

(iii) shall not interrupt a member, while speaking, by disorderly expressions or in any other disorderly manner,

(iv) shall bow to the Chair when taking or leaving his seat,

(v) shall not pass between the Chair and any member who is speaking,

(vi) shall not leave the House when the Speaker is addressing the House.

63. A member desiring to make any observations on any matter before the House shall rise from his seat and being called by the Speaker, address his remarks to him from his place. At any time, if the Speaker rises, any member speaking shall resume his seat. **Members to rise when speaking.**

64. When, for the purpose of elucidating a point during discussion, any member has occasion to ask a question of another member who is speaking, he shall ask the question through the Speaker. **Questions for elucidation on matters under discussion.**

[8th December 1954]

Limitations on debate.

65. Every speech must be strictly relevant to the matter before the Assembly.

Rules to be observed by members while speaking.

66. A member, while speaking, must not—

(i) give his opinion about or refer to any matter on which a judicial decision is pending;

(ii) make a personal charge against a member;

(iii) use offensive expressions about the conduct or proceedings of the Parliament or any State Legislature or of the other House;

(iv) reflect upon the conduct of the President or Governor or any Court of Justice;

(v) use the Governor's or President's name for the purpose of influencing a debate; or

(vi) use his right of speech for the purpose of obstructing the business of the Assembly.

Motions.

67. A matter requiring the decision of the Assembly is brought forward by means of a motion proposed by a member and a question stated or read out by the Speaker thereon.

Seconding of motions.

68. Every motion must be proposed by one member and seconded by another though the seconder of a substantive motion may reserve his speech till a later stage of the debate. A motion not seconded is forthwith dropped:

Provided that a motion need not be seconded in the following cases, namely:—

(a) if the motion is one which is moved by a Minister, or

(b) if the motion is one for the reduction of any grant, whether a budget grant or a supplementary, an additional or an excess grant, or for the omission or reduction of any item in any such grant.

Order of speeches.

69. After the Speaker has stated or read out the motion, members may speak on it in the order in which they are called by the Speaker.

Method of taking vote.

70. (1) On the conclusion of the debate on the motion, the Speaker shall put the question to the vote of the House and shall decide it by voices. If the opinion of the Speaker as to the decision of the House is challenged, he shall take the votes of the House by division.

(2) The Speaker shall determine the method of taking votes by division.

(3) The result of a division shall be announced by the Speaker and shall not be challenged.

8th December 1954]

(4) Before the Speaker has announced the result of a division, he may, if satisfied that any mistake has been committed in the recording of the votes, allow the same to be corrected.

(5) If in the Speaker's opinion, a division is unnecessarily or frivolously claimed, he may call upon the members who challenged the division to rise in their places, and may, after counting them, declare the result of the division.

(6) No member is entitled to vote upon any question in which he has a direct pecuniary interest and the vote of any member so entered will be disallowed.

71. A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session. **Restrictions on motions.**

Explanation.—(1) The Assembly shall not be deemed to have given a decision in respect of a Bill unless it has either passed the Bill into law or has rejected the Bill.

(2) A Bill shall be deemed to have been rejected for the purpose of this rule if any of the following motions under these rules has been rejected by the House :—

- (i) that leave be granted to introduce the Bill,
- (ii) that the Bill be referred to a Select Committee,
- (iii) that the Bill be taken into consideration,
- (iv) that the Bill as reported by the Select Committee be taken into consideration, or
- (v) that the Bill be passed.

72. (1) A member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the Assembly expressed without a dissentient voice : **Withdrawal of motions.**

Provided that if an amendment has been proposed to the motion, the original motion shall not be withdrawn until the amendment has been disposed of.

(2) If, at the time of putting the question on a motion to the vote of the House, the mover of the motion is absent, it shall be considered to have been withdrawn by him, unless any member of the House asks that the question on the motion be put.

73. Except in the exercise of a right of reply or as otherwise provided, no member shall speak more than once on any motion, provided that any member to whom a reference has been made or against whom a reflection has been cast in the debate may, with the permission of the Speaker, make a personal explanation; but such explanation must be strictly relevant to the reference or reflection sought to be explained and should not introduce new or debatable matter. **Second speech and right of reply.**

[8th December 1954]

**Mover's right
of reply.**

74. (1) A member who has moved a substantive motion, may speak again by way of reply, and the mover of an adjournment motion under rule 41 shall have a right of reply; if the motion is moved by a non-official member, the Minister to whose department the matter relates shall, after the mover has replied, have the right of speaking whether he has previously spoken in the debate or not.

Explanation.—A 'substantive motion' shall not include—

- (i) a cut motion on a budget, supplementary, additional or excess grant, or a vote on account, or
- (ii) an amendment to a resolution, or
- (iii) an amendment to a motion on the Governor's Address.

(2) A member may speak on an amendment though he may have spoken on the original motion or on another amendment.

(3) A member when replying shall confine himself to matters raised during the debate and shall not introduce new debatable matter.

**Rules as to
amend-
ments.**

75. (1) An amendment must be relevant to, and within the scope of, the subject-matter of the Bill or motion to which it relates.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) After a decision has been given on an amendment to any part of a Bill, clause or motion, no amendment, which arises at an earlier part of the Bill, clause or motion shall, except with the leave of the House, be moved.

(4) An amendment on a question must not be inconsistent with any previous decision on the same question given at any stage of the same Bill or motion.

(5) The Speaker may refuse to put an amendment which is, in his opinion, frivolous.

**Selection
of amend-
ments for
discussion.**

76. In respect of any motion or any Bill under consideration—

(1) the Speaker may select one of several identical or substantially identical amendments to be proposed, or

(2) he may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment on it.

8th December 1954]

77. (1) At any time after a motion has been made, a member may move 'that the question be now put', and unless it shall appear to the Speaker that such motion is an abuse of the rules of the House or an infringement of the rights of reasonable debate, the question 'that the question be now put' shall be put forthwith and decided without amendment or debate. **Closure.**

(2) When the motion 'that the question be now put' has been carried, the question on the particular motion, the debate on which has thus terminated, shall be put and decided without amendment or further debate.

78. A motion that any meeting or business be adjourned or postponed or that the House pass on to the business next in order in the list of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the meeting or business shall, subject to the provisions of sub-rule (3) of rule 21, be adjourned or postponed accordingly, or of the motion carried be that the House pass on to the business next in order in the list of business the business then under discussion shall be considered to be disposed of : **Adjournment.**

Provided that nothing in this rule shall enable a member to move, that any meeting or business fixed by a special order of the Speaker or the Governor for a purpose for which they have power to appoint a day under the Constitution or rules, shall be adjourned or postponed :

Provided further that if the Speaker is of opinion that a motion under this rule is an abuse of the rules of the House, he may forthwith put the question thereupon from the Chair, or may decline to propose the question thereupon to the House :

Provided further that a motion under this rule cannot be made more than once during the debate on any question.

79. (1) No member except a Minister or the Leader of the Opposition or a member moving a Bill or a no-confidence motion in the Ministry shall speak for more than 30 minutes. **Duration of speeches.**

(2) The Speaker may prescribe a time-limit for speeches on Bills or resolutions or amendments to Bills or resolutions, or on adjournment motions under rule 41 or on any other matter under discussion in the House.

80. A member may, with the permission of the Speaker, make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward, and no debate shall arise. **Personal explanation.**

81. A statement may be made by a Minister on a matter of public importance with the consent of the Speaker but no question shall be asked at the time the statement is made. **Statement by a Minister.**

[8th December 1954]

Decision on points of order.

82. (1) The Speaker shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may at any time submit a point of order for the decision of the Speaker but in doing so shall confine himself to stating the point.

(3) No debate shall be admissible on a point of order.

Preservation of order.

83. The Speaker shall have all powers necessary for the purpose of enforcing the rules and preventing disorder.

Irrelevance or repetition.

84. The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate or is speaking for the purpose of obstructing business, may direct him to discontinue his speech.

Power to order with- drawal of member.

85. The Speaker may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the House, and any member so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly. If such member refuses to withdraw, the Speaker may order his removal by force. The member so directed to be absent shall not be deemed to be absent for the purposes of clause (4) of Article 190 of the Constitution.

Power to suspend sitting.

86. The Speaker may, in case of grave disorder arising in the House, adjourn the House or suspend a sitting until a specified hour.

CHAPTER XIII.

LEGISLATION.

Section 1—Bills originating in the Assembly.

Notice of motion for introduction.

87. Any member desiring to move for leave to introduce a Bill shall give five days' notice of his intention and shall, together with the notice, submit to the Secretary a copy of the Bill and a full Statement of Objects and Reasons.

Financial memorandum to Bills and money clauses in Bills.

88. A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

8th December 1954]

89. A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

Explanatory memorandum to Bills delegating legislative powers.

90. (1) If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved except on the recommendation of the Governor or with the previous sanction of the President, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the authority who would have the power to grant the recommendation or sanction, and the motion shall not be placed on the list of business unless the recommendation or previous sanction required has been granted.

Recommendation or previous sanction for introduction of Bills.

(2) If any doubt arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved except on the recommendation of the Governor or with the previous sanction of the President, the question shall be referred to the authority who would have the power to grant the recommendation or the previous sanction if it were necessary, and the decision of that authority on the question shall be final.

91. (1) If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief statement from the member who moves and from a member who opposes the motion, may without further debate, put the question thereon.

Motion for leave to introduce a Bill.

(2) If such a motion is agreed to, the Bill may be introduced.

92. As soon as may be after leave to introduce a Bill has been granted, the Bill with the Statement of Objects and Reasons shall be published in the Gazette :

Publication

Provided that the Governor may order the publication of any Bill with the Statement of Objects and Reasons in the Gazette although no motion has been made for leave to introduce the Bill and in such a case it shall not be necessary to move for leave to introduce the Bill and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

93. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member-in-charge of the Bill and no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member-in-charge except by way of amendment to a motion made by the member-in-charge :

Persons by whom motions in respect of Bills may be made.

[8th December 1954]

Provided that where a member-in-charge of the Bill is unable to be present in the House, any other member may, if authorized in writing by such member, be permitted by the House to carry the Bill through its further stages.

**Introduction
and motion
thereafter.**

94. (1) At any time after the publication of a Bill in the Gazette, the member-in-charge of the Bill may, after giving three days' notice, make one of the following motions in regard to the Bill, viz.—

(a) that it be taken into consideration,

(b) that it be referred to a Select Committee of the House, or

(c) that it be circulated for the purpose of eliciting opinion thereon :

Provided that any member may object to any such motion being made unless copies of the Bill have been made available to the members for at least two days before the day on which the motion is made, and such objection shall prevail unless the Speaker allows the motion to be made.

(2) On such a motion, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

**Motions
after elic-
ing opinion.**

95. Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried and the Bill is circulated in accordance with that direction and opinions are received thereon, the member-in-charge, if he wishes to proceed with this Bill thereafter, must move that the Bill be referred to a Select Committee, unless the Speaker, in the exercise of his power to suspend this rule, allows a motion to be made that the Bill be taken into consideration.

**Constitution
of Select
Committee.**

96. (1) The Minister-in-charge of the department to which the Bill relates and the member who introduced the Bill shall be members of the Select Committee.

(2) No Select Committee on a Bill shall, without the leave of the House, consist of more than twenty-five members and no Select Committee shall, in any case, consist of more than forty members. Such leave shall be asked for by motion made in the House and shall specify the number of members (not exceeding forty) which the Select Committee shall contain. In calculating the number of members of a Select Committee, any person appointed to it under Article 177 of the Constitution shall be excluded.

**Prior con-
sent of
nominee for
Select
Committee.**

97. (1) Every member intending to move for the appointment of a Select Committee shall endeavour to ascertain previously whether each member proposed to be named by him on such Committee will give his attendance thereupon.

8th December 1954.]

(2) No member shall be appointed to a Select Committee if he is not willing to serve on it.

98. (1) The Speaker shall nominate one of the members of the Committee to be its Chairman. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee shall preside. **Chairman of Select Committee.**

(2) A Select Committee may proceed with its work, notwithstanding the absence of any of its members and notwithstanding any vacancy which may have occurred in it after its constitution.

99. A Select Committee may sit even during prorogation. It shall sit at the place fixed by the Governor as the place of session of the Assembly, provided that it may sit at any other place, with the leave of the Assembly given on a motion made by a Minister. **Place of sitting of Select Committee.**

100. A Select Committee may appoint a sub-committee to examine any special point or points connected with the Bill. The order of reference to such sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole Committee. **Sub-committees.**

101. (1) A Select Committee may hear expert evidence and the representatives of any special interests affected by the measure before it. **Power of Select Committee to hear evidence.**

(2) It may for this purpose require any person residing within the limits of the State to attend before it as witness or to produce before it such papers and records as it may think necessary and thereupon a requisition in writing shall be sent to the person concerned over the signature of the Secretary.

102. Strangers shall not be permitted to be present at a meeting of a Select Committee except when it is engaged in examining witnesses when the Select Committee may by majority decide to allow strangers to be present: **Presence of strangers at meetings of Select Committee**

Provided that a Minister may with the permission of the Chairman address the Committee of which he may not be a member. **Procedure in Select Committee.**

103. The rules of procedure in the Assembly shall apply to procedure in a Select Committee except

(i) that previous notice of an amendment is not necessary,

(ii) that a motion or amendment need not be seconded, and

(iii) that a member may with the consent of the Chairman speak more than once on the same question.

[8th December 1954]

Instruction to Select Committee.

104. It shall be an instruction to every Select Committee on a Bill that it has power to make such amendments therein as it may think fit, provided that such amendments are relevant to the subject-matter of the Bill, but that if any such amendments shall not be within the title of the Bill, they do amend the title accordingly and do report the same specially to the House.

Report by Select Committee.

105. (1) The Select Committee to which a Bill has been referred shall make a report thereon.

(2) Reports may be either preliminary or final and shall be authenticated by the signature of the person presiding.

Printing and publication of reports.

106. The report, the minutes of the proceedings of the Committee as approved by the person presiding and, if the Bill has been amended, the Bill as amended by the Committee, shall be printed and copies furnished to each member of the Assembly. The report, and if the Bill has been amended, the Bill as amended shall also, unless otherwise directed by the Select Committee, be published in the *Fort St. George Gazette* in the languages in which the original Bill was published.

Procedure on report after presentation.

107. (1) After the Select Committee has made its report the member-in-charge may move

(i) in case the Select Committee has made any changes in the Bill as referred to it, that the Bill as amended by the Select Committee, and

(ii) in case where it has not made any changes in the Bill, that the Bill as introduced,
be taken into consideration :

Provided that any member of the House may object to its being so taken into consideration if a copy of the report of the Select Committee and of the Bill, in case where it has been amended, has not been made available to the members for five days; and such objection shall prevail unless the Speaker allows the Bill to be taken into consideration.

(iii) that the Bill as reported by the Select Committee be recommitted either—

(a) as a whole, or

(b) with respect to particular clauses or amendments only, or

(c) with instructions to the Select Committee to make provision in regard to any specified particular.

(2) If the member-in-charge moves that the Bill as reported by the Select Committee be taken into consideration, any member may move as an amendment that the Bill be recommitted.

8th December 1954]

108. When a motion has been agreed to by the Assembly that a Bill be taken into consideration, any member may propose an amendment of such Bill. Proposal of amendments.

109. (1) Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Assembly at which the Bill is to be considered. Notice of amendments.

(2) The Secretary shall, if time permits, cause to be made available for the use of members every notice of amendment received in respect of a Bill.

110. Amendments shall, unless the Speaker otherwise directs, be considered in the order of the clauses to which they respectively relate. Order of consideration of amendments.

111. It shall be in the discretion of the Speaker, when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill to the Assembly clause by clause. When this procedure is adopted, the Speaker shall call each clause separately and when the amendments relating to it have been dealt with, shall put the question that such clause or, as the case may be, such clause as amended, stand part of the Bill. Submission of Bills clause by clause.

112. The order in which the clauses of the Bill should be taken up for consideration shall be as follows :— Order of consideration of clauses.

(i) the clauses in order, except the clause relating to the short title of the Bill,

(ii) the schedules in their order,

(iii) the clause relating to the short title,

(iv) the Preamble :

Provided that the Speaker may, if he thinks fit, postpone the consideration of any clause until some or all of the subsequent clauses have been considered.

113. (1) If, during the consideration of a Bill in the Assembly, no amendment is made, the member-in-charge of it may, at the conclusion of such consideration, move that the Bill be passed. Passing of Bills.

(2) If, during the consideration of a Bill in the Assembly any amendment is made, any member may, at the conclusion of the consideration of the Bill, object to a motion being made at the same sitting for its being passed. Thereupon the Speaker shall, unless he considers that the request is frivolous or unreasonable, not allow a motion that the Bill passed into law to be moved at the same sitting, but the Bill shall be brought up for further consideration at a subsequent sitting.

(3) When the Bill is so brought up for further consideration at a subsequent sitting, no amendment, not being of a verbal or consequential nature, shall be made by the Assembly.

[8th December 1954]

(4) At any time after the conclusion of such further consideration, if any, the member-in-charge of the Bill may move that the Bill be passed into law.

(5) Sub-rules (2), (3) and (4) shall not apply to Money Bills.

Authentica-
tion of Bills.

114. When a Bill is passed by the Assembly, a copy thereof shall be signed by the Speaker and transmitted to the Council, for its concurrence :

Provided that, in the case of Money Bills, it shall be transmitted to the Council for its recommendations endorsed with a certificate from the Speaker that the Bill is a Money Bill.

Submission
of Bill for
assent.

115. When a Bill which has been introduced in the Assembly has been passed or is deemed to have been passed by both Houses of the Legislature, it shall be signed by the Speaker and the Chairman and shall be submitted to the Governor for his assent.

Reconsidera-
tion of Bills
returned by
Governor.

116. When a Bill which has been passed by both the Houses of the Legislature of the State is returned by the Governor to the Assembly for reconsideration, the point or points referred for consideration or the amendments recommended by the Governor shall be put before the Assembly by the Speaker, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other manner as the Speaker may consider most convenient for their consideration by the Assembly.

Section 2.—Bills originating in the Assembly and not agreed to by the Council.

Return of
Bill not
agreed to
by the
Council.

117. As soon as possible after a Bill which has once been passed by the Assembly is received from the Council with a message that it has rejected the Bill, the Assembly may pass the Bill again and transmit it as so passed to the Council with or without any amendments.

This rule shall not apply to Money Bills.

Return of
amended
Bill to
originating
House.

118. If such a Bill is received back from the Council with amendments made in that House, or in the case of Money Bills with its recommendations, copies of the Bill with such amendments or recommendations shall be laid on the table at a meeting of the Assembly.

Appoint-
ment of
time for
considera-
tion of
amendments
or recom-
mendations.

119. After such a Bill, with such amendments or recommendations has been laid on the table, any Minister in the case of a Government Bill or, in any other case, any member, after giving three days' notice, may move that the amendments or recommendations be taken into consideration.

8th December 1954]

120. If a motion that the amendments or recommendations be taken into consideration is carried, the Speaker shall put the amendments or recommendations to the Assembly in such manner as he thinks most convenient for their consideration. **Procedure on consideration of amendments or recommendations.**

121. Further amendments relevant to the subject-matter of the amendments or recommendations made by the Council may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to an amendment or recommendation made by the Council, or is made necessary by the delay in the passage of the Bill. **Further amendments.**

122. (1) If the Assembly agrees to the amendments made by the Council, a message intimating its agreement shall be sent to that House. **Procedure consequent on consideration of amendments.**

(2) If the Assembly disagrees to the amendments made by the Council or any of them, the Bill with a message intimating its disagreement shall be sent to that House.

(3) If the Assembly agrees to the amendments or any of them with further amendments or proposes further amendments in place of amendments made by the Council, the Bill, as further amended with a message to that effect, shall be sent to that House.

123. The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill, and if such leave is granted, no further motion shall be made with reference to the Bill. **Withdrawal of a Bill.**

Section 3.—Bills originating in and passed by the Council and received therefrom in the Assembly.

124. As soon as possible, after a Bill which has been passed by the Council is received in the Assembly, copies of the Bill shall be laid on the table at a meeting of the Assembly. **Bills which have passed originating House.**

125. At any time after copies have been laid on the table in the case of a Government Bill, any Minister and in any other case, any member may give notice of his intention to move that the Bill be taken into consideration. **Notice.**

126. Unless the Speaker otherwise directs, no such motion shall be set down in the list of business for any day which is less than three days from the receipt of the notice. **Motion for consideration.**

127. On the day on which such motion is set down in the list of business, the member in charge of the Bill may move that the Bill be taken into consideration. On that date or on any subsequent day to which the discussion of the motion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle. **Discussion.**

[8th December 1954]

**Reference
to Select
Committee.**

128. Any member may (if the Bill has not already been referred to a Select Committee of the Council or to a Joint Committee of both Houses but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee and the rules regarding Select Committees on Bills originating in the Assembly shall then apply.

**Consideration
and
passing.**

129. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the rules of the Assembly regarding consideration of clauses of Bills and the amendments to such clauses and the subsequent procedure in regard to the passing of Bills shall apply.

**Bill passed
without
amendment.**

130. If the Bill is passed without amendment, a copy of the Bill with a message to the effect that the Assembly has agreed to the Bill without any amendment shall be transmitted to the Council.

**Bill passed
without
amendments.**

131. If the Bill is passed with amendments, the Bill shall be returned with a message asking the concurrence of the Council to the amendments.

**Procedure,
consequent
on consideration
of
amend-
ments.**

132. If the Council disagrees with the amendments made by the Assembly or any of them or agrees to any of the amendments made by the Assembly with further amendments or proposes further amendments in place of amendments made by the House, the Bill as further amended shall on receipt by the House be laid on the table.

**Appoint-
ment of time
for consid-
eration of
amend-
ments.**

133. After the amended Bill has been laid on the table, any Minister in the case of a Government Bill, or, in any other case, any member after giving two days' notice, may move that the amendments be taken into consideration.

**Procedure
on consid-
eration of
amend-
ments.**

134. (1) If a motion that the amendments be taken into consideration is carried, the Speaker shall put the amendments to the House in such manner as he thinks most convenient for their consideration.

(2) Further amendments relevant to the subject-matter of the amendments made by the Council may be moved, but no further amendments shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the Council.

**Disposal
of amend-
ments**

135. The House may either agree to the Bill as originally passed in the Council or as further amended by the Council, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the Council has disagreed.

8th December 1954]

136. When any of the following motions moved in the House, with reference to a Bill originating in the Council and transmitted to the House is negatived by the House, the Bill shall be deemed to have been rejected by the House :—

- (i) that the Bill be referred to a Select Committee;
- (ii) that the Bill be taken into consideration;
- (iii) that the Bill as reported by Select Committee be taken into consideration; and
- (iv) that the Bill (or, as the case may be, that the Bill, as amended) be passed.

137. The Speaker may, in his discretion, dispense with the provisions of this Chapter regarding notice, periods of notice, or interval between any two stages of legislation, and may, in his discretion, allow any motion regarding a Bill or any amendment to be moved without notice, or after such shorter interval, as he may think fit.

Speaker's
power to
dispense
with notice.

Section 4.—Joint Select Committees.

138. (1) The Assembly may by motion desire to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider a Bill, and such a motion shall state the total number of members of both the Houses to be appointed to the committee and the names of members of the Assembly who in accordance with the proportion mentioned in sub-rule (3), are to serve thereon. The member in charge of the Bill, and the Minister in charge of the department to which the Bill relates, shall be nominated as members of the Joint Select Committee.

Constitution
of joint
Select
Committee.

(2) On the adoption of such a motion, a message shall be sent to the Council informing it accordingly and desiring its concurrence to the appointment of a Joint Select Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (3).

(3) The total number of members of a Joint Committee shall not exceed forty-five and on every Joint Committee the number of members to be nominated by the Assembly and the Council shall be in proportion of 2 : 1.

(4) The time and place of the first meeting of the Committee shall be fixed by the presiding officer of the House in which the Bill originated.

(5) The Joint Select Committee shall elect its own Chairman. The Chairman shall have no casting vote. If the votes on a question before a Joint Select Committee be equal, the question shall be deemed to have been decided in the negative.

(6) Except as aforesaid, a Joint Select Committee shall follow the same procedure as a Select Committee of the Assembly.

[8th December 1954]

(7) The Secretary of the Assembly shall be the ex-officio Secretary of the Joint Select Committee.

Joint Select
Committee
for Bills
originating
in the
Council.

139. In the case of a Bill originating in the Council, any member may, after receipt of a message from the Council asking for the concurrence of the Assembly to set up a Joint Select Committee to consider the Bill, move that the House concurs with the Council in setting up a Joint Select Committee and name the members of the Assembly to serve on such Committee.

CHAPTER XIV.

GOVERNOR'S ORDINANCES.

Discussion
of Govern-
or's
Ordinances.

140. A member desiring to move a resolution under sub-clause (a) of clause (2) of Article 213 of the Constitution disapproving an Ordinance promulgated by the Governor under clause (1) of that article shall give three days' notice of his resolution to the Secretary.

Message
to the
Council.

141. If such a resolution is passed by the Assembly, it shall be forwarded to the Council with a message asking for its agreement.

CHAPTER XV.

RESOLUTIONS.

Conditions
for admissi-
bility of
resolutions.

142. Subject to the restrictions contained in the Constitution and the rules, any member may move a resolution relating to a matter of general public interest within the cognizance of the State Government :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

(a) It shall be clearly and precisely expressed and shall raise a definite issue;

(b) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity; and

(c) it shall not relate to any matter which is under adjudication by a Court of Law.

Form of
resolutions.

143. A resolution may be in the form of a recommendation addressed to Government or of a declaration of opinion by the House or in the form of a motion for the appointment of a committee of the House for any purpose or in any other form suitable to the subject-matter of the resolution.

Notice of
resolutions.

144. A member who wishes to move a resolution shall give fifteen clear days' notice of his intention to move the resolution and shall, together with the notice submit the text of the resolution which he wishes to move :

8th December 1954]

Provided that the Speaker, with the consent of the Minister in charge of the department concerned, may allow a resolution to be entered on the list of business with shorter notice than fifteen days and without the procedure of a ballot under rule 25 and also fix its order of precedence in such list.

145. The Speaker shall decide on the admissibility of a resolution. Where the resolution or a part thereof is, in the opinion of the Speaker, in contravention of the rules, he may, in his discretion, give the member concerned an opportunity of amending it or disallow the same.

146. (1) A member in whose name a resolution appears on the list of business shall, when called on, either—

(a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect; or

(b) move the resolution.

(2) If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn.

(3) It shall be open to the Assembly to allow a resolution withdrawn under clause (a) of sub-rule (1), or deemed to have been withdrawn under sub-rule (2) of this rule, to be moved by any other member.

147. After a resolution has been moved, any member may, subject to all the restrictions regarding the admissibility of resolutions, move an amendment to such resolution.

148. (1) If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker, in the exercise of his power to suspend the operation of this sub-rule, allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every amendment to be printed and copies thereof made available to the members.

149. When any resolution involving several points has been discussed, the Speaker may divide the resolution, and put each or any point separately to the vote, as he may think fit.

150. A copy of every resolution which has been passed by the Assembly shall be forwarded to the Government by the Secretary.

[8th December 1954]

CHAPTER XVI.

FINANCIAL BUSINESS.

**Presentation
of Budget.**

151. (1) The annual financial statement or the statement of the estimated receipts and expenditure of the State in respect of every financial year (hereinafter referred to as "the Budget") shall be presented to the Assembly on such day as the Governor may appoint.

(2) There shall be no discussion of the Budget in the Assembly on the day on which it is presented to it.

**Discussion of
of Budget.**

152. (1) The Budget shall be dealt with by the Assembly in two stages, namely,—

(i) a general discussion, and

(ii) the voting of demands for grants.

(2) The Speaker, in consultation with the Leader of the House, shall fix and appoint sufficient number of days for each of these stages :

Provided that not more than eight days shall be fixed for the general discussion of the Budget and that not more than twenty days shall be fixed for the voting of demands for grants.

**Allotment of
time for
discussion.**

153. (1) During the days appointed under rule 152 (2) for the general discussion of the Budget, the Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the Assembly.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Speaker may, if he thinks fit, prescribe a time-limit for speeches during the discussion.

**Voting of
demands.**

154. (1) The Speaker shall, in consultation with the Leader of the House, fix the time to be allotted for the discussion of each demand and also determine the order in which the demands are to be taken up.

(2) On the days allotted under sub-rule (2) of rule 152 for the voting of demands for grants, no other business shall be taken up before 5 p.m. except with the consent of the Speaker :

Provided that nothing in this rule shall be deemed to prohibit the asking and answering of questions during the time allowed under rule 22.

8th December 1954]

(3) At the expiry of the time allotted under sub-rule (1) for the discussion of any demand, the Speaker shall put every question necessary for the disposal of that demand, and at 5 p.m. on the last day of the days allotted for the voting of demands for grants, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connexion with the demands for grants, including the motion for reduction of a grant, if any, then under discussion.

155. (1) The Minister who moves a demand for a grant may **Budget** make a statement explaining the policy underlying the **motions.** demand.

(2) Any member may then make a motion to reduce the demand by a specified sum. No motion shall, however, be made which will have the effect of increasing or altering the destination of the demand.

(3) Notice of motions under sub-rule (2) should reach the office of the Assembly not later than 3 p.m. on the third day of the general discussion of the budget.

(4) When several motions have been given notice of proposing reductions in the same demand, they shall be arranged and discussed in such order as the Speaker may determine.

156. On a day fixed by the Speaker before the last of the **Further** days allotted by him for the moving of demands for grants, **demands** further demands for grants may be moved : **for grants.**

Provided that—

(i) they are required for purposes which, in the opinion of Governor, are of an emergent nature;

(ii) they are for new matters which have not been included in the original estimates of the year.

Such demands shall be classified according to the original demands for grants, the details being shown by sub-heads of appropriation and detailed account heads under each grant.

157. (1) Subject to the provisions of the Constitution, the **Appropriation** procedure in regard to an Appropriation Bill shall be the same **Bills.** as for Bills generally, with such modifications as the Speaker may consider necessary.

(2) At any time after the introduction in the Assembly of an Appropriation Bill, the Speaker may allot a day or days jointly or severally for the completion of all or any of the stages involved in the passage of the Bill by the Assembly, and when such allotment has been made, the Speaker shall, at 5 o'clock

[8th December 1954]

on the allotted day, or, as the case may be, the last of the allotted days, forthwith put every question necessary to dispose of all the outstanding matters in connexion with the stage or stages for which the day or days have been allotted.

Supplementary or additional demands.

158. (1) The Governor may, at any time during a financial year, appoint a day for the presentation of a statement of supplementary or additional expenditure under Article 205.

(2) The Speaker shall allot one or more days not earlier than three days after the day allotted for such presentation for the discussion of and the voting on the demands for supplementary or additional expenditure.

(3) At 5 p.m. on the day or the last of the days, as the case may be, allotted under sub-rule (2), all discussion shall terminate and the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connexion with the demands for supplementary grants.

Procedure for dealing with supplementary or additional demands.

159. The demands for supplementary or additional grants shall be dealt with as if they were demands for grants :

Provided that the discussion of a demand for a supplementary or additional grant shall be confined to the details of which it is composed :

Provided further that notice of motions for the reduction of a demand for a supplementary or additional grant shall be given not later than 3 p.m. on the day following that on which the supplementary or additional statement of expenditure has been presented.

Excess grants.

160. The rules of procedure relating to demands for supplementary or additional grants shall apply to demands for excess grants under Article 205, with such adaptations as the Speaker may deem necessary.

Votes on account, votes of credit and exceptional grants.

161. (1) The rules of procedure regarding the budget shall generally apply to the grants called votes on account, votes of credit and exceptional grants, referred to in Article 206 of the Constitution.

(2) In particular and without prejudice to the generality of the foregoing provision, the following rules shall apply to votes on account :—

(i) A motion for a vote on account shall state the total sum required and shall contain a schedule containing the details of expenditure of which that sum is composed and the various amounts needed for each department.

(ii) Discussion of a general character may take place on the motion as a whole.

(iii) Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items of which it is composed.

8th December 1954]

CHAPTER XVII.

COMMITTEES OF THE HOUSE.

(1) *Committee on Estimates.*

162. As soon as may be after the commencement of the first session of each Assembly a Committee on Estimates shall be constituted for the examination of such of the estimates as may seem fit to the Committee or are specifically referred to it by the House. The functions of the Committee shall be—

Functions
of the
Committee.

(a) to report what economies, improvements in organization, efficiency or administrative reform, consistent with the policy underlying the estimates may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) to suggest the form in which the estimates shall be presented to the Legislature.

163. (1) The Committee shall consist of fourteen members in addition to the Finance Minister who shall be a member *ex-officio*. They shall be elected by the Assembly from among its members according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Speaker. There shall be a fresh election before the end of the financial year for constituting the Committee for the ensuing financial year. And, if under any circumstances, such an election is not held, the existing members of the Committee will continue to hold office until new members are elected.

Constitution
of the
Committee.

(2) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and any person elected to fill such a vacancy shall hold office for so long as the person in whose place he is elected would have held office.

164. The Chairman of the Committee shall be nominated by the Speaker from amongst the members of the Committee. The person so nominated shall preside at the meetings of the Committee and in his absence, one of the members of the Committee elected by the Committee shall preside.

Chairman
of the
Committee.

165. In order to constitute a meeting of the Committee the quorum shall be five including the Chairman.

Quorum.

166. In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

Chairman's
casting vote.

[8th December 1954]

**Reports by
the Com-
mittee.**

167. (1) The Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the Assembly. Such reports shall be treated as confidential until presented to the Assembly.

(2) The Committee may hear officials or take evidence connected with the estimates under examination. It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(3) For purposes of sub-rule (2) the Committee shall have power to require the attendance of persons or the production of papers or records :

Provided that Government may decline to produce a document on the ground that its disclosure would not be in the public interest.

**Examina-
tion of
Estimates.**

168. The Committee may continue its examination of the estimates throughout the financial year and report to the House from time to time as its examination proceeds. It shall not be incumbent on the Committee to examine the entire estimates of any one year. The demands for grants may be voted upon notwithstanding the fact that the Committee has made no report.

**Presentation
of the
report.**

169. The Report of the Committee shall be presented to the House either by the Chairman or in his behalf by any other member of the Committee.

**Procedure to
be followed.**

170. Except as aforesaid, the Committee shall follow the same procedure as a Select Committee of the Assembly.

(2) Committee on Public Accounts.**Constitution
of the
Committee.**

171. (1) As soon as may be after the commencement of the first session of each Assembly, a Committee on Public Accounts shall be constituted for the examination of accounts showing the appropriation of sums granted by the House for the expenditure of the State Government, the annual finance accounts of the State Government and such other accounts laid before the House as the Committee may think fit.

(2) The Committee on Public Accounts shall consist of fourteen members, in addition to the Finance Minister who shall be a member ex-officio. They shall be elected by the Assembly from among its members according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Speaker. There shall be a fresh election before the end of the financial year for constituting the Committee for the ensuing financial year. And if, under any circumstances, such an election is not held, the existing members of the Committee will continue to hold office until new members are elected.

8th December 1954]

(3) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (2) and any person elected to fill such a vacancy shall hold office for so long as the person in whose place he is elected would have held office.

172. The Chairman of the Committee shall be nominated by the Speaker from amongst the members of the Committee. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee shall preside. Chairman
of the
Committee.

173. In order to constitute a meeting of the Committee the quorum shall be five including the Chairman. Quorum.

174. In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote. Chairman's
casting vote.

175. (1) In scrutinizing the appropriation accounts of the State and the report of the Comptroller and Auditor-General thereon, it shall be the duty of the Public Accounts Committee to satisfy itself— Functions
of the
Committee.

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;

(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with such rules as may be prescribed by the Governor or by the Finance Department, as the case may be.

The Committee shall bring to the notice of the Assembly—

(i) every case in which it is not so satisfied; and

(ii) all expenditure which the Finance Department has requested should be brought to the notice of the Assembly.

(2) It shall also be a duty of the Public Accounts Committee—

(a) to examine such trading, manufacturing and profit and loss accounts and balance sheets, as the Governor may have required to be prepared, and the Comptroller and Auditor-General's report thereon; and

(b) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

176. The Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the Assembly. Such reports shall be treated as confidential until presented to the Assembly. Report of
Government
before pre-
sentation.

[8th December 1954]

Power to
take evi-
dence or
call for
papers.

177. (1) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties :

Provided that Government may decline to produce a document on the ground that its disclosure would not be in the public interest.

(2) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(3) *Committee of Privileges.*

Constitution
of the
Committee.

178. (1) A Committee of Privileges shall be constituted which will consist of the Deputy Speaker and fifteen other members to be elected by the Assembly on a date to be fixed by the Speaker according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Speaker.

(2) The members of the Committee so elected will cease to hold office at the end of each financial year but any member shall be eligible for re-election. There shall be a fresh election before the end of the financial year for constituting the Committee for the ensuing financial year.

(3) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (1) and any person elected to fill such a vacancy shall hold office for so long only as the person in whose place he is elected would have held office.

(4) The Chairman of the Committee shall be nominated by the Speaker from amongst the members of the Committee. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee shall preside.

Notice of
the matter
proposed to
be raised.

179. A member wishing to raise a matter of privilege shall, before the commencement of the sitting of the day on which he proposes to raise the point, leave with the Speaker a written notice of the matter proposed to be raised.

Consent of
the Speaker
for raising
the matter.

180. If the Speaker is of opinion that the matter which the member proposes to raise does involve a question of privilege of the House, he may consent to the matter being raised.

Time for
raising the
matter.

181. A matter of privilege must be raised after questions and before the list of business for the day is entered upon.

Restrictions
on questions
of privilege.

182. The right to raise a question of privilege shall be subject to the following restrictions, viz. :—

(i) The alleged breach of privilege must refer to a matter of recent occurrence;

8th December 1954]

(ii) A *prima facie* case of a breach of privilege must be made out.

183. When a member has with the consent of the Speaker raised a matter of privilege, the Speaker shall read the matter to the House and decide whether a *prima facie* case of breach of privilege has been made out or not therein. Speaker to decide *prima facie* case.

184. If the Speaker holds that a *prima facie* case exists, he may allow a motion to be made by any member that the alleged breach of privilege be referred to the Committee of Privileges, or in the alternative, that it be dealt with by the House itself. Motion.

185. If the matter is referred to the Committee of Privileges, the Committee shall follow, as far as possible, the same procedure as a Select Committee of the Assembly and make a report to the House. Report of the Committee.

186. The House may, on such report,
or where no reference has been made to the Committee of Privileges, by itself,
on a motion made in the House, deal with the case in such manner as it may think fit. Procedure after presentation of the report.

187. Notwithstanding anything contained in these rules, the Speaker may *suo motu* refer any question of privilege to the Committee of Privileges for examination, investigation or report. Power of Speaker to refer questions of privilege to Committee.

(4) *Business Advisory Committee.*

188. (1) At the commencement of the House or from time to time, as the case may be, the Speaker may nominate a committee called the Business Advisory Committee consisting of not more than fifteen members including the Speaker who shall be the Chairman of the Committee. Constitution of the Committee.

(2) The Committee nominated under sub-rule (1) shall hold office for one year or until a new committee is nominated.

(3) If the Speaker, for any reason, is unable to preside over any meeting of the Committee, he shall nominate a Chairman for that meeting.

(4) Casual vacancies in the Committee shall be filled by the Speaker and any person nominated to fill such a vacancy shall hold office for the period for which the person in whose place he is nominated would under the provisions of sub-rule (2) have held office.

189. In order to constitute a meeting of the Committee the quorum shall be five. Quorum.

[8th December 1954]

Functions of the Committee.

190. (1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills as the Speaker, in consultation with the Leader of the House, may refer to the Committee.

(2) The Committee shall have the power to indicate in the proposed time-table the different hours at which the various stages of the Bill shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Speaker from time to time.

Report to the House.

191. The time-table in regard to the Bill or group of Bills as settled by the Committee shall be reported by the Speaker to the House.

Procedure to be followed.

192. As soon as may be after the report has been made to the House, a motion may be removed by a member of the Committee designated by the Speaker "that this House agrees with the allocation of time proposed by the Business Advisory Committee in regard to such and such Bill or Bills," and if such a motion is accepted by the House, it shall take effects as if it were an Order of the House.

Disposal of outstanding matters at the appointed hour.

193. At the appointed hour in accordance with the Order of the House referred to in Rule 192 for the completion of a particular stage of a Bill, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connexion with that stage of the Bill.

Variation in the allocation of time order.

194. No variation in the Order shall be made except on the request of the Leader of the House with the permission of the House.

(5) Committee on Subordinate Legislation.**Committee on subordinate legislation and its functions.**

195. Subject to the provisions of these rules, a Committee on Subordinate Legislation may be constituted to scrutinize and report to the House whether the powers delegated by the Legislature have been properly exercised within the framework of the statute delegating such powers.

Constitution of the Committee.

196. (1) The Committee shall consist of not more than ten members who shall be nominated by the Speaker.

(2) The term of office of the members of the Committee shall be one year.

(3) The Speaker may, if he thinks fit, discharge a member from the Committee, if such member is absent from three consecutive meetings thereof, without the permission of the Chairman of the Committee.

Chairman of Committee.

197. The Chairman of the Committee shall be nominated by the Speaker from amongst the members of the Committee. The person so nominated shall preside at the meetings of the Committee and in his absence one of the members of the Committee elected by the Committee shall preside.

8th December 1954]

198. In order to constitute a meeting of the Committee **Quorum.** the quorum shall be four including the Chairman.

199. In the case of an equality of votes on any matter, the Chairman of the Committee shall have a second or casting **Chairman's casting vote.** vote.

200. The Committee may appoint one or more sub-com- **Sub-** mittees to examine any matters that may be referred to them, and the reports of such sub-committee or sub-committees shall be deemed to be the reports of the whole Committee if they are approved at a meeting of the whole Committee. **committee.**

201. (1) The Committee on Subordinate Legislation shall have power to require the attendance of persons or the pro- **Power to take evidence.** duction of papers or records:

Provided that Government may decline to produce a document on the ground that its disclosure would not be in the public interest.

(2) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

202. After each 'regulation', 'rule', 'sub-rule', 'by-law', etc., framed in pursuance of the legislative functions delegated by the Assembly to a subordinate authority is laid before the House, the Committee shall, in particular, **Scrutiny of papers laid before the House.** consider—

(i) whether it is in accord with the general objects of the Act pursuant to which it is made;

(ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of the Assembly;

(iii) whether it imposes taxation;

(iv) whether it directly or indirectly bars the jurisdiction of the court;

(v) whether it gives retrospective effect to any of the provisions in respect of which the Act does not expressly give any such power;

(vi) whether it involves expenditure from the Consolidated Fund or the Public Revenues;

(vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made;

(viii) whether there appears to have been unjustifiable delay in the publication or laying of it before the Legislature;

(ix) whether for any reason its form or purport calls for any elucidation.

[8th December 1954]

**Report by
the
Committee.**

203. (1) If the Committee is of opinion that any order should be annulled wholly or in part, or should be amended in any respect, it shall report that opinion and the grounds thereof to the House within one month of the commencement of a session of the House after the promulgation of such order or within such earlier or later period which a statute of the Legislature may have fixed for any specified case.

(2) If the Committee is of opinion that any other matter relating to any orders should be brought to the notice of the House, it may report that opinion and matter to the House.

**Presentation
of the
report.**

204. The report of the Committee shall be signed by the Chairman of the Committee and presented to the House by him or, in his absence, by any member of the Committee.

**Procedure
to be
followed.**

205. The Speaker may issue such directions as he may consider necessary for regulating the procedure in connexion with all matters connected with the consideration of any question of Subordinate Legislation either in the Committee or in the House.

*(6) Committee on Government Assurances.***Functions
of the
Committee.**

206. Subject to the provisions of these rules, a Committee on Government Assurances may be constituted to scrutinize the assurances, promises and undertakings given by Ministers, from time to time, on the floor of the House and to report on—

(a) the extent to which such assurances have been implemented; and

(b) where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

**Constitution
of the
Committee.**

207. (1) The Committee shall consist of not more than seven members who shall be nominated by the Speaker.

(2) The term of office of the members of the Committee shall be one year.

(3) The Speaker may, if he thinks fit, discharge a member from the Committee, if such member is absent from three consecutive meetings thereof, without the permission of the Chairman of the Committee.

**Chairman
of the
Committee.**

208. (1) The Chairman of the Committee shall be nominated by the Speaker.

(2) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

Quorum.

209. In order to constitute a meeting of the Committee, the quorum shall be three.

8th December 1954]

210. In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote. Chairman's casting vote.

211. The Committee shall make a report to the House at least once in six months. Report by the Committee.

212. The Report of the Committee shall be presented to the House either by the Chairman or, on his behalf by any other member of the Committee. Presentation of the report.

213. Except as aforesaid, the Committee shall follow the same procedure as a Select Committee of the Assembly. Procedure to be followed.

(7) House Committee.

214. (1) There shall be appointed a House Committee to consider and advise upon all matters connected with the comfort and convenience of members of the Assembly, which shall consist of the Deputy Speaker as ex-officio Chairman and eleven members to be elected by the Assembly, on a date to be fixed by the Speaker, according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Speaker. In addition to the above, four members may be nominated to the Committee by the Speaker at his discretion. Constitution and functions of the Committee.

(2) The members of the Committee so elected, or as the case may be, so nominated, will cease to hold office at the end of each financial year, but any member shall be eligible for re-election or re-nomination. There shall be fresh elections and nominations before the end of the financial year for constituting the Committee for the ensuing financial year.

CHAPTER XVIII.

COMMUNICATIONS BETWEEN THE GOVERNOR AND THE ASSEMBLY.

215. Communications from the Governor to the Assembly are made— Communications from the Governor to the Assembly.

(1) by a speech, or

(2) by a written message addressed to the Speaker.

216. Communications from the Assembly to the Governor shall be made by formal address, after motion made and carried in the Assembly and forwarded to the Governor by the Speaker. Communications from the Assembly to the Governor.

CHAPTER XIX.

PETITIONS TO THE ASSEMBLY.

217. Petitions to the Assembly must—

(a) relate to some matter actually under the consideration of the Assembly; Form and contents of petitions.

[8th December 1954]

(b) be addressed to the members of the Assembly;

(c) be dated and signed by the petitioner or petitioners;

(d) be in respectful and temperate language; and

(e) must not propose expenditure of public moneys or the imposition of any charge on public revenues.

Presentation of petitions.

218. No petition addressed to the Assembly shall be presented except by a member of the Assembly.

Duties of members offering to present a petition.

219. Every member offering to present a petition to the Assembly shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition.

Procedure to be followed.

220. If a petition is in conformity with rule 217, the Secretary shall, if so required by the Speaker, read it to the Assembly or make an abstract of it and read or circulate the abstract to the Assembly. There shall be no debate or speech in the Assembly on any such petition.

CHAPTER XX.

AMENDMENT OF RULES.

Notice of amendment to the rules.

221. (1) Unless the Speaker otherwise directs, not less than ten days' notice of a motion for leave to amend the rules shall be given and the notice shall be accompanied by a draft of the proposed amendments.

(2) The motion shall be set down for such day as the Speaker may direct.

Procedure to be followed.

222. When the motion has been made, the Speaker shall read the draft amendments and ask whether the member has the leave of the Assembly. If objection is taken, the Speaker shall request those members who support the motion to rise in their places, and if more than twenty-four members rise accordingly, the Speaker shall intimate that the member has the leave of the Assembly.

Reference to Select Committee.

223. Where the member has the leave of the Assembly to proceed, the draft amendments shall be referred to a Select Committee of which the Speaker shall be Chairman, and of which the Deputy Speaker, the member giving notice of the amendment and, in case he is a non-official member, the Minister concerned also and a member to be nominated by the Speaker from the current panel of Chairmen of the Assembly shall be members. The remaining members who shall be fifteen in number shall be elected by the Assembly by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Speaker.

8th December 1954]

224. After a draft has been referred to a Select Committee, **Subsequent procedure** the procedure in regard to Bills similarly referred shall, as far as may be, be followed with such necessary alterations that may be made as the Speaker may direct.

225. When a rule or amendment of a rule is passed by the Assembly, a copy thereof shall be signed by the Speaker and until the Speaker has signed such copy and the fact has been announced by him to the Assembly, the rule or amendment shall not be deemed to have come into force. **Rule or amendment not valid until signed by Speaker.**

CHAPTER XXI.

MISCELLANEOUS.

226. An official report of the proceedings of the Assembly shall be published under the supervision of the Secretary and shall be made available to every member. **Official report.**

227. If the Speaker is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent, or unparliamentary or undignified, he may, in his discretion, order that such word or words be expunged from the official report of the proceedings of the House, and all consequential alterations made in such report and make an announcement in the Assembly of the fact of his having made such order. **Expunging of words.**

228. The portion of the proceedings of the House so expunged shall be marked by asterisks and an explanatory footnote shall be inserted in the proceedings as follows :—

“ Expunged as ordered by the Chair.”

Indication in printed debates of expunged proceedings.

229. (1) The Speaker may authorize the printing, publication, distribution or sale of any paper, document or report in connexion with the business of the House or any paper, document or report laid on the table of the House or presented to the House or a Committee thereof. **Printing and publication of other documents etc.**

(2) A paper, document or report printed, published, distributed or sold in pursuance of sub-rule (1) shall be deemed to have been printed, published, distributed or sold under the authority of the House within the meaning of clause (2) of Article 194 of the Constitution.

230. The admission to the Assembly Chamber of strangers and officials during the sittings of the Assembly shall be regulated in accordance with regulations made by the Speaker. **Strangers.**

231. The Speaker, whenever he thinks fit, may order strangers to withdraw or the press gallery to be cleared. **Power to order withdrawal of strangers.**

[8th December 1954]

Secretary to
be ex-officio
Secretary
to all
Committees.

232. The Secretary shall act as Secretary to every Committee or Select Committee under these rules and shall arrange for the conduct of all correspondence connected with its business.

Speaker to
regulate
conduct of
business not
otherwise
provided for.

233. The Speaker shall have power to regulate the conduct of business in the Assembly in all matters not provided for in the Constitution or the rules.

Delegation
of powers
of Speaker.

234. The Speaker may, by order in writing, delegate to the Deputy Speaker all or any of his powers under the rules.

Motion for
suspension
of rules.

235. Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried by three-fourths of the total number of members present and voting at the meeting, the rule in question shall be suspended for the time being.

RULES OF PROCEDURE REGARDING COMMUNICATIONS BETWEEN THE TWO HOUSES.

[Under clause (3) of Article 208 of the Constitution.]

Form of
communication.

1. Communications from one House to the other shall be by a written message signed by the presiding officer of the former and addressed to the presiding officer of the latter.

Communi-
cation to the
House while
in session.

2. If any such message is received by the presiding officer of either House when it is in session, he shall, at the first convenient opportunity after its receipt, communicate it to the House.

Communi-
cation to
members
while the
House is not
in session.

3. When the House to which a message is addressed is not in session, the message shall be received by the Secretary of the House who shall, with the concurrence of its presiding officer, communicate the message to the members of the House.

R. V. KRISHNA AYYAR,
Secretary to the State Legislature.

8th December 1954]

PROCEEDINGS OF THE SELECT COMMITTEE ON THE
MADRAS ASSEMBLY RULES.

(As approved by the Chairman.)

Thursday, the 11th March 1954.

The Select Committee on the Madras Assembly Rules met in the Hon. Speaker's Chambers at 3 p.m. on the 11th March 1954. The following members were present :—

- (1) Hon. Speaker,
- (2) Deputy Speaker,
- (3) The Hon. Sri K. P. Kuttikrishnan Nair,
- (4) The Hon. Sri K. Raja Ram,
- (5) Sri N. Ramakrishna Ayyar,
- (6) Sri M. Narayana Kurup,
- (7) Sri V. R. Nagarajan, and
- (8) Sri V. Balakrishnan.

Sri M. Narayana Kurup suggested that a Business Advisory Committee may be constituted in this Legislature on the same lines as that which is provided for in the rules of the House of the People. There was some discussion on this point during which the Hon. Speaker pointed out that the functions of the Business Advisory Committee were being here performed by the Conference of Leaders which he was from time to time convening for the purpose of settling the business and time-table of the House.

2. The Committee approved the following rules :—

(1) The Speaker may authorize the printing, publication, distribution or sale of any paper, document or report in connexion with the business of the House or any paper, document or report laid on the table of the House or presented to the House or a Committee thereof.

(2) A paper, document or report printed, published, distributed or sold in pursuance of sub-rule (1) shall be deemed to have been printed, published, distributed or sold under the authority of the House within the meaning of clause (2) of Article 194 of the Constitution.

The Committee then adjourned to 9 a.m. on Sunday, the 21st March 1954.

Sunday, the 21th March 1954.

The Select Committee on the Madras Assembly Rules met in the Hon. Speaker's Chamber at 9 a.m. on 21st March 1954. Mr. Speaker (The Hon. Sri J. Sivashanmugam Pillai) was in the Chair. The following members were present :—

1. The Hon. Speaker (*Chairman*).
2. Deputy Speaker,
3. Sri C. Subramaniam,
4. Sri K. P. Kuttikrishnan Nair,

[8th December 1954]

5. Sri K. Raja Ram,
6. Sri A. S. Sahajananda,
7. Sri N. Ramakrishna Ayyar,
8. Sri P. Ramamurthi,
9. Sri S. Swayamprakasam,
10. Sri M. Narayana Kurup,
11. Sri K. Uppi Sahib,
12. Sri V. R. Nagarajan,
13. Sri V. R. Krishna Ayyar, and
14. Sri V. Balakrishnan.

Sri S. T. Adityan was also present.

The Hon. Speaker thanked the members for consenting to sit on a Sunday and stated that among the many proposals for change in the existing rules, the most important ones were the new rules which were proposed in regard to (1) a committee on subordinate legislation and (2) half an hour discussion of an important matter of administration.

The existing rules were then taken up one by one, with their proposed amendments circulated in print.

CHAPTER I.

Rule 1.

The rule was approved.

Rule 2.

The rule was approved with the proposed amendments and with the substitution of the following words for (i), viz., "Minister includes any Deputy Minister or Parliamentary Secretary to whom a minister may delegate his functions."

CHAPTER II.

Rule 3.

The rule was approved.

Rule 4.

For the two sub-rules of the existing rule, the following was substituted :—

"At the first sitting of the Assembly after the Governor has addressed both the Houses of the Legislature under Article 176 of the Constitution, a copy of the Governor's Address shall be placed on the table of the House."

Rules 5 and 6.

The proposed amendment was approved with the omission of the words 'not exceeding four days' occurring in the proposed rule 5 (1).

8th December 1954]

New rule after rule 5.

The proposed rule 5-A with the omission of the words ' at the next sitting of the Assembly ' occurring at the end was agreed to by all the members present except Sri P. Ramamurthi and Sri S. T. Adityan who dissented.

Rule 7.

The rule was redrafted as follows :—

“ The Speaker shall report to the Assembly the Governor's reply, if any, to the motion of thanks.”

Rule 8.

This rule was retained without any change.

Rule 9.

Rule 9 (a) was approved.

For the existing rule 9 (b), the following was substituted :—

“ On the prorogation of a session, all pending notices and business shall be carried over to the next session.”

The Committee was of the opinion that in any event questions should not lapse and that this changed rule should be scrutinized and, if any legal difficulty were to be found in implementing it, it should be brought up before the Committee again.

Proposed rule 9 (c).

This was approved with the addition of the following words at the end :—

‘ or of any Joint Select Committee.’

CHAPTER III.

Rule 10.

The rule was approved.

Rule 11.

The rule was substituted.

Rule 12

The rule was approved.

CHAPTER IV.

Rule 13.

Sub-rule (1).—For the words ‘ the Governor shall fix a date ’, the words ‘ the Governor shall fix as early a date as possible ’, were substituted.

Sub-rules (2), (3) and (4).—These were approved.

[8th December 1954]

Sub-rule (5).—For the words ‘ if he and his proposer and seconder have not,’ the words ‘ if he or his proposer or seconder has not ’ were substituted.

Rule 14.

Sub-rule (1).—For the words ‘ the Governor, when there is no Speaker, or the Speaker, when there is a Speaker, shall fix a date ’, the words ‘ the Governor, when there is no Speaker, or the Speaker, when there is a Speaker, shall fix as early a date as possible ’ were substituted.

Sub-rules (2), (3) and (4).—These were approved.

Sub-rule (5).—For the words ‘ if he and his proposer and seconder have not ’, the words ‘ if he or his proposer or seconder has not ’ were substituted.

Rule 15.

The rule was approved.

Rule 16.

The rule was re-drafted as follows :—

‘ The Deputy Speaker and any Chairman, shall, when presiding over the Assembly, have the same powers as the Speaker when so presiding and all references to the Speaker in the rules shall be deemed to be references to the person presiding.’

CHAPTER V.

At the instance of Sri M. Narayana Kurup, the Committee resolved to incorporate in any appropriate place in the Madras Assembly Rules, the following :—

Rules 32 to 39 of the Rules of the House of the People relating to the constitution of a Business Advisory Committee.

32. (1) At the commencement of the House or from time to time, as the case may be, the Speaker may nominate a Committee called the Business Advisory Committee consisting of not more than fifteen members including the Speaker who shall be the Chairman of the Committee.

(2) The Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

(3) If the Speaker for any reason is unable to preside over any meeting of the Committee, he shall nominate a Chairman for that meeting.

33. Casual vacancies in the Committee shall be filled by the Speaker and any person nominated to fill such a vacancy shall hold office for the period for which the person in whose place he is nominated would under the provisions of rule 32 have held office.

34. In order to constitute a meeting of the Committee the quorum shall be five.

8th December 1954]

35. (1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills as the Speaker in consultation with the Leader of the House may direct for being referred to the Committee.

(2) The Committee shall have the power to indicate in the proposed time-table the different hours at which the various stages of the bill shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Speaker from time to time.

36. The time-table in regard to the Bill or group of Bills as settled by the Committee shall be reported by the Speaker to the House and notified in the Parliamentary Bulletin.

37. As soon as may be after the report has been made to the House, a motion may be moved by a member of the Committee designated by the Speaker "that this House agrees with the allocation of time proposed by the Committee in regard to such and such Bill or Bills," and if such a motion is accepted by the House, it shall take effect as if it were an order of the House:

Provided that an amendment may be moved that the report be referred back to the Committee either without limitation or with reference to any particular matter:

Provided further that not more than half-an-hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such a motion.

38. At the appointed hour in accordance with the Allocation of Time Order, for the completion of a particular stage of a Bill, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill.

39. No variation in the Allocation of Time Order shall be made except on the request of the Leader of the House who shall notify orally to the House that there was general agreement for such variation, which shall be enforced by the Speaker after taking the sense of the House.

Rule 17.

The proposed rule was substituted.

Rule 18.

The rule was approved.

Rule 19.

For the existing rule, the following was substituted:—

"The presence of at least one-tenth of the total number of members of the Assembly inclusive of the Speaker or person presiding shall be necessary to constitute a meeting of the Assembly for the exercise of its powers."

[8th December 1954]

Rule 20.

The rule was approved with the following amendments :—

For the words ' if at any time it is brought to the notice of the Chair that twenty-two members are not present, the division bells shall be rung and if after an interval of not less than two minutes twenty-two members are still not present ', the following words were substituted :—

' If at any time it is brought to the notice of the Chair that a quorum is not present, the division bells shall be rung and if after an interval of not less than fifteen minutes a quorum is still not present '.

Rules 21 and 22.

The proposed amendments to these rules were approved.

Rule 23.

For the existing rule, the following rule was substituted :—

' The first hour of every sitting shall, unless the House unanimously directs otherwise, be available for the asking and answering of questions.'

Rule 24.

The proposed rule was approved with the addition of the following proviso after the proviso to the proposed rule 24 (1) :—

" Provided that in a case where a Thursday has been taken over for the transaction of Government business under the above-mentioned proviso, the Speaker may allot in lieu thereof any other day in the same or next week for the business of non-official members."

Rule 25.

The rule was approved.

Rule 26.

Sub-rules (1) and (2).—The proposed amendment was approved.

Sub-rules (3) to (6).—These sub-rules were approved.

Sub-rules (7) to (10).—For the existing rules (7) to (10), the following was substituted :—

(7) The ballot shall be for the names of the members who have given notices of motions for leave to introduce Bills or of resolutions which are eligible for discussion at the meeting in respect of which the ballot is held.

(8) No member can ballot for more than one Bill and one resolution. The Bill or the resolution to be entered against the name of a member shall be in accordance with the preference indicated by him, and in the absence of such indication, in accordance with the order of priority of the receipt of notice.

8th December 1954]

(9) The ballot shall be held at such time and as often as may be determined by the Speaker.

(10) All non-official business appointed for any day and not disposed of on that day shall stand over until the next day of a continuous meeting available for business of the class to which it belongs, and shall be included in any ballot held for any other day in the same session and, if selected, set down in the list of business for such other day according to the priority gained at the ballot held with reference to that day :

Provided that any motion which is under the actual consideration of the Assembly at the time of an adjournment shall be placed in the list of business for the next day available in that session for non-official business of the same class and shall be placed as the first item in that class of business according to the precedence given to that class by this rule.

(11) Whenever any difficulty arises in applying this rule, it shall be referred to the Speaker for decision.

Rule 27.

Sub-rules (1) and (2).—These were approved.

Sub-rule (3).—For the existing sub-rule (3), the following was substituted :—

‘ A notice left on a holiday or after 3 p.m. on a ~~working~~ day shall be treated as notice given on the next working day.’

At this stage, the Committee adjourned and the Speaker was authorized to fix a date for the next meeting.

Wednesday, the 4th August 1954.

The Select Committee on the Madras Assembly Rules met in the Hon. Speaker's Chamber at 12 noon on 4th August 1954. Mr. Speaker (the Hon. Sri J. Sivashanmugam Pillai) was in the Chair. The following members were present :—

1. The Hon. Speaker (*Chairman*).
2. Deputy Speaker.
3. Sri C. Subramaniam.
4. Sri K. P. Kuttikrishnan Nair.
5. Sri K. Raja Ram.
6. Sri S. Swayamprakasam.
7. Sri M. Narayana Kurup,
8. Sri K. Uppi Sahib,
9. Sri V. R. Nagarajan,
10. Sri V. Balakrishnan, and
11. Sri M. Kalyanasundram.



[8th December 1954]

The Hon. Speaker at the outset brought to the notice of the Committee the inconvenience which the omission of the words 'at the next sitting of the Assembly' in new rule 5-A decided upon at the meeting of the Committee held on 21st March 1954 would lead to. The Committee decided that the words need not be deleted and that they may remain.

Rule 28.

This rule was approved as redrafted.

Rule 29.

This rule was approved as redrafted.

Rule 30.

This rule was approved as redrafted.

Rule 31.

This rule was approved as redrafted.

Rule 32.

In clause (10) of the rule as redrafted, the words 'either' and 'or in the Council' were omitted.

Clause (14) was also omitted.

In clause (15) of the rule as redrafted, the words "or quotations from speeches" were omitted.

The rule as amended was approved.

Rule 33.

This rule was approved.

Rule 34.

It was agreed that in clause (a), for the words "member of Government", the word "Minister" be substituted. Similar change to take place in other Rules also.

Sri M. Narayana Kurup suggested that in clause (a) provision may be made to the effect that short notice questions should be answered within five days of the notice thereof and that if a Minister was unable to answer them within five days, he should ask the Hon. Speaker for more time. This was not accepted and the rule was approved as it stood.

Rule 35.

It was resolved that sub-rule (2) of this rule be amended as follows [Vide Lok Sabha Rule 67 (3)] :—

"(2) If on a question being called, a Member in whose name it stands is absent, the Speaker at the request of any Member may direct that the answer to it be given."

The rule as amended was approved.

8th December 1954]

Rules 36 to 39.

These rules were approved.

Rule 40.

In this rule, the words “ after 5 p.m. or ” and the words “ whichever is earlier ” were omitted, and the rule approved.

Rule 40-A.

In this rule, the words “ or at 5 p.m., whichever is earlier ” were omitted (consequential change).

The Hon. Speaker suggested that a rule similar to rule 204 of the Lok Sabha (* Appended) specifying conditions in respect of motions may be introduced. This was agreed to. Another suggestion that the duration of the discussion be fixed as one hour was also agreed to.

It was resolved that the words “ for financial business ” occurring in sub-rule (5) of this rule be deleted.

The Committee then adjourned for lunch.

(After lunch—3 p.m.)

CHAPTER VII.

Rules 41 to 45.

The draft rules were passed.

Mr. Narayana Kurup suggested that a provision should be made requiring the Speaker in cases where he refuses consent to announce the fact in open House. The Committee did not agree to the suggestion.

Rule 46.

The draft rule was passed, substituting the figure 24 for 38.

Rules 46-A and 46-B.

The draft rules were passed.

Rule 46-C.

In this draft rule, for sub-rule (vii) the Committee substituted the following :—

“ (vii) the matter to be discussed must involve more than the ordinary administration of the law.”

Rule 46-D.

The draft rule was passed.

* Vide page 534 infra.

[8th December 1954]

CHAPTER VIII.

Rule 47.

The draft rule was passed.

Rules 47-A and 47-B.

The draft rules were passed.

Rule 47-C.

The draft rule was passed with the substitution of figure 30 for 75.

CHAPTER IX.

Rule 48.

The Committee thought that the rule should expressly refer both to a vote of no-confidence in the Ministry and to a motion disapproving the policy of the Ministry in a particular respect and so resolved to maintain the old rule, with the alteration of the figure 75 into 25.

Rule 49.

The draft rule was passed.

CHAPTER X.

Rules 50 and 51.

The draft rules were passed.

Rule 51-A.

In item (i) of the rule, the words " book " and " or letter " were deleted.

In item (iii) the words " shall not hiss, or clap and " were deleted.

With the above alterations the rule was passed.

Rules 52 to 56.

The draft rules were passed.

Rule 57.

The last sentence " No motion . . . House " was omitted as unnecessary and the draft rule was passed.

Rules 58 to 68.

The draft rules were passed.

8th December 1954]

Rule 69.

The draft rule was passed with the substitution in sub-rule (3), for the word "discussion" of the word "debate".

Rules 70 to 73.

The draft rules were passed.

At the instance of Sri M. Narayana Kurup, the following rules corresponding to rules 215, 324 and 371 of the Rules of Lok Sabha were added. Suitable changes to be made for applying them to this Assembly :—

1. A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.

2. There shall be no debate on such statement at the time it is made.

3. Not more than one such matter shall be raised at the same sitting.

4. In the event of more than one matter being presented for the same day, priority shall be given to the matter, which, in the opinion of the Speaker, is more urgent and important.

5. The proposed matter shall be raised after the questions and before the list of business is entered upon and at no other time during the sitting of the House. (Rule 215 of Lok Sabha.)

6. A member may, with the permission of the Speaker, make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward, and no debate shall arise. (Rule 324 of Lok Sabha.)

7. A statement may be made by a Minister on a matter of public importance with the consent of the Speaker but no question shall be asked at the time the statement is made. (Rule 371 of Lok Sabha.)

CHAPTER XI.

Rule 74.

The rule was passed as redrafted.

Rule 75.

The Committee was in favour of making the Speaker responsible for getting the orders of the Governor on the question of recommendation to the Bill and therefore retained the old rule 75.

Rules 76 to 78.

Passed as redrafted.

[8th December 1954]

Rule 79.

The rule was passed omitting sub-rule (3).

Rule 80.

The rule was passed as drafted.

Rules 81 to 83.

The rules were passed.

Rule 84.

The rule was passed subject to the substitution of the word "a Minister" for the words "the Minister in charge of the Bill" at the end of the rule.

Rule 85.

This was omitted as already included in new rule 84.

Rule 86.

This was passed. But Sri Narayana Kurup proposed that a provision like rule 100 of the Rules of Lok Sabha be added. This was approved and the following addition was accepted:—

"A Select Committee may appoint a Sub-Committee to examine any special point or points connected with the Bill. The order of reference to such sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole Committee."

Rule 87.

This was passed. At the instance of Sri Narayana Kurup, a proviso on the lines of the proviso to rule 98 of the Rules of Lok Sabha was added:—

"Provided that a Minister may with the permission of the Chairman address the Committee of which he may not be a Member."

The Committee adjourned to meet again at 11 a.m. on the 5th August 1954.

Thursday, the 5th August 1954.

The Select Committee on the Madras Assembly Rules met in the Hon. Speaker's Chamber at 11 a.m. on Thursday, 5th August 1954. Mr. Speaker (the Hon. Sri J. Sivashanmugam Pillai) was in the Chair. The following members were present:—

1. The Hon. Speaker (*Chairman*),
2. The Deputy Speaker,
3. The Hon. Sri C. Subramaniam,

8th December 1954]

4. Sri K. P. Kuttikrishnan Nair,
5. Sri K. Raja Ram,
6. Sri S. Swayamprakasam,
7. Sri M. Narayana Kurup,
8. Sri K. Uppi Sahib,
9. Sri V. R. Nagarajan,
10. Sri V. Balakrishnan, and
11. Sri M. Kalyanasundaram.

At the outset, the Secretary pointed out that an omission had occurred in the minutes of the proceedings of the previous day in that the deletion of sub-rule (2) of re-drafted rule 52 had not been entered. The omission was ordered to be rectified.

Rule 88.

On the motion of Sri M. Narayana Kurup, the following was entered as item (i) and the existing items (i) and (ii) were re-numbered as items (ii) and (iii) respectively.

' (i) that previous notice of an amendment is not necessary '.

Re-drafted rule 89.

Sri M. Narayana Kurup wanted that a provision should be inserted to the effect that in respect of amending Bills the House could give an instruction to the Select Committee that even sections not dealt with by the amending Bill could be amended by the Select Committee.

The consideration of this rule was postponed.

Rules 90 and 91.

The rules were passed.

Rule 92.

Sri M. Narayana Kurup suggested that there should be a formal presentation of the report of a Select Committee. The Committee considered that a formal presentation would be unnecessary in cases where copies of the report had been previously circulated to the Members and the report itself had been published in the Gazette.

The rule was passed.

Re-drafted rule 93.

In the proviso to item (ii) of sub-rule (1), for the words "two days" the words "five days" were substituted.

The rule as amended was passed.

[8th December 1954]

Rules 94, 85, re-drafted rule 96, rule 97 and re-drafted rule 97-A.

The rules were passed.

Re-drafted rule 98.

Sri M. Kalyanasundram suggested that sub-rule (5) should apply only to Appropriation Bills and not to all Money Bills.

The Committee resolved to retain the sub-rule as it was.

The rule was approved.

Rule 99, re-drafted rules 99-A, 100, 101, 102, 103, rules 104, 105, re-drafted rule 105-A, rule 106, re-drafted rule 107, rules 108 to 113, re-drafted rules 114, 114-A to 114-D, rule 115 and re-drafted rule 116.

All the above rules were passed.

At the instance of Sri M. Narayana Kurup, rules similar to the following rules 87 and 88 of the Lok Sabha were ordered to be inserted at the end of the Chapter :—

“ 116-A. (1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

(2) Clauses or provisions in Bills involving expenditure from public funds shall be printed in thick type or in italics :

Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Speaker may permit the member in charge of the Bill to bring to the notice of the House such clauses.

116-B. A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.”

Re-drafted rules 117 and 117-A.

The rules were passed.

Rule 118.

The Committee resolved to retain the existing rule and did not approve the re-drafted rules 118 and 118-A.

Re-drafted rule 119.

The rule was passed.

8th December 1954]

Re-drafted rule 120.

Sri M. Narayana Kurup moved that the period of notice should be only seven days and not fifteen days.

The motion was lost.

The Committee resolved to add at the end of the proviso the following words :—

“and also determine its order of precedence exactly”.

The rule as amended was passed.

Re-drafted rule 121, rule 122, re-drafted rules 123, 124, 124-A, rule 125 and re-drafted rule 126.

The rules were passed.

Re-drafted rule 127.

In the first proviso to sub-rule (2) for the words “six days” the words “eight days” were substituted and the second proviso was deleted.

Re-drafted rule 128.

The rule was passed.

Re-drafted rule 129.

The rule was passed with the addition of the following words at the end of sub-rule (4) :—

“including the motion for the reduction of a grant under discussion”.

Re-drafted rule 130.

The following was substituted for sub-rule (3) :—

“(3) Notice of motions under sub-rule (2) shall reach the office of the Assembly not later than 3 p.m. on the third day of the general discussion of the budget.”

Sri M. Narayana Kurup suggested that where guillotine had been applied before the Government had made their reply to a cut motion, the Government should make available to the Members the reply which they would have given if the guillotine had not been applied.

It was considered that it would be inappropriate to have a provision like this in the rules of procedure of the Assembly.

The rules as amended were passed.

Re-drafted rules 131, 132, 133, rule 134, re-drafted rules 135 and 136.

The rules were passed.

[8th December 1954]

Rule 137.

The rule was deleted.

Re-drafted rules 138 and 139.

The re-drafted rules were passed with the following changes, viz. :—

(1) The Secretary of the Assembly shall be the Secretary of the Public Accounts Committee.

(2) A general rule to be inserted to the effect that the Secretary of the Assembly shall be the Secretary of every committee appointed by the House.

For sub-rule (4) of the re-drafted rule 139, a rule corresponding to rule 156-P on page 44 of the printed copy of the rules with necessary changes to suit the Public Accounts Committee was ordered to be inserted.

Rules 140 and 141.

The rules were passed.

CHAPTER XVII.

Sri M. Kalyanasundram suggested that a Committee on Petitions might be constituted similar to that in the Lok Sabha.

The suggestion was not pressed.

Rules 142 to 144.

The rules were passed.

Re-drafted rule 145.

The rule was passed subject to the insertion of the words " or circulate " after the words " and read " in line 3.

Rule 146.

The rule was passed.

Re-drafted rule 147.

For the word " thirty-eight ", occurring in the fifth line, the word " twenty-four " was substituted.

The rule as amended was passed.

Re-drafted rules 148 to 151.

The rules were passed.

8th December 1954]

Re-drafted rule 151-A.

The rule was passed with the addition of the following words at the end :—

“ and make an announcement of the fact of his having made such order in the Assembly ”.

Re-drafted rule 151-B.

The rule was passed.

Re-drafted rule 151-C.

The rule was passed at a previous sitting of the Committee.

Rules 152 and 153.

The rules were passed.

Rule 154.

The existing rule was retained and the re-drafted rule was not accepted.

Rule 155.

Sri M. Narayana Kurup suggested the insertion among the miscellaneous rules of a rule as follows (corresponds to rule 389 of the Lok Sabha Rules with some addition) :—

“ Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried by three-fourths of the total number of members present and voting at the meeting, the rule in question shall be suspended for the time being.”

The suggestion was accepted.

Rule 156.

This rule was approved.

Re-drafted rules 156-A to 156-E.

The rules were approved.

Re-drafted rule 156-F.

Sri V. R. Nagarajan wanted that an express rule should be made providing for a question of privilege being raised in the open House, even though the Speaker might have considered it inadmissible in his Chamber.

This proposition was not accepted.

[8th December 1954]

Re-drafted rule 156-G.

Sri M. Narayana Kurup moved that the further motion referred to in the rule should be dispensed with.

The matter was under consideration, when the Committee rose for lunch.

(After lunch—3 p.m.)*Rules 156-F and 156-G.*

The draft rules were combined together and re-drafted as follows :—

“ If the Speaker holds the motion to be in order, he may allow a motion to be made by any member that the alleged breach of privilege be referred to a Committee of Privileges, or in the alternative, that it be dealt with by the House itself.”

Rule 156-H.

The rule was re-drafted as follows :—

“ If the matter is referred to the Committee of Privileges, the Committee shall follow, as far as possible, the same procedure as a Select Committee of the Assembly and make a report to the House.”

Rule 156-I.

This rule was passed.

At the instance of Sri Narayana Kurup a rule corresponding to Rule 255 of the Lok Sabha Rules was inserted. That rule is as follows :—

Power of Speaker to refer questions of privilege to Committee.—Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

SUBORDINATE LEGISLATION.

Rules 156-J to 156-U.

The draft rules were passed subject to the following :—

(1) In rule 156-P (1) in the second proviso, for the words “ be prejudicial to the safety or interest of the State ” the words not be in the public interest ” were substituted.

(2) Rule 156-Q was deleted.

(3) Consequential changes were ordered to be made in the other rules.

Consequential and drafting changes were ordered to be made in all the rules.

8th December 1954]

Rule 157.

For the words "two members" the words "four members" were substituted.

Rules of procedure regarding communications between the two Houses.

The draft rules were passed.

COMMITTEE ON ESTIMATES.

The draft rules relating to the Committee on Estimates were passed subject to the following:—

(1) The proviso under rule 3 (1) was deleted. Similar alterations were ordered to be made in the rule regarding Public Accounts Committee and the Committee of Privileges also.

(2) At the end of sub-rule (2) of rule 5, a provision similar to what is contained in rule 156-P (1) was ordered to be inserted,

COMMITTEE ON GOVERNMENT ASSURANCES.

The draft rules were passed subject to the following:—

(1) Rule 2 (1): For the word "five", substitute the word "seven".

(2) Rule 2 (3): For the word "two or more", substitute the word "three".

(3) Rule 3 (1): The following rule was substituted:—

"The Chairman of the Committee shall be nominated by the Speaker."

(4) New Rule 6: After rule 5, the following rule was inserted as rule 6, and the existing rule 6 was renumbered as Rule 7:—

"6. The Committee shall make a report to the House once in six months".

Rule 89.

The proposal of Mr. Kurup to amend the draft rule which was left over was taken up and it was resolved that no change need be made.

The Committee then dispersed.

GOVERNMENT ESTATE,
MOUNT ROAR, MADRAS,
5th August 1954.

R. V. KRISHNA AYYAR,
Secretary to the State Legislature.

[8th December 1954]

APPENDIX.

[Vide page 523 supra.]

Rule 204 of the Rules of the Lok Sabha (Third Edition).

204. In order that a motion may be admissible it shall satisfy the following conditions, namely, that—

- (i) it shall raise substantially one definite issue ;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements ;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity ;
- (iv) it shall be restricted to a matter of recent occurrence ;
- (v) it shall not raise a question of privilege ;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session ;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session ;
- (viii) it shall not relate to any matter which is under adjudication by Court of Law having jurisdiction in any part of India.

